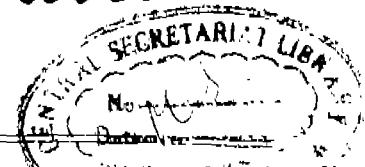




भारत का राजपत्र

The Gazette of India

प्रधानमंत्री के अधीन
PUBLISHED BY AUTHORITY



स. 12]

नई दिल्ली, शनिवार, मार्च 23, 1996/चैत्र ३, १९१८

No. 12)

NEW DELHI, SATURDAY, MARCH 23, 1996/CHAITRA 3, 1918

इस भाग में भिन्न पाठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (एका मंत्रालय को छोड़ने) द्वारा जारी हो गए सार्विक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय
नई दिल्ली, 11 मार्च, 1996

Rules, 1976, the Central Government hereby notifies the
following offices of the Ministry of Home Affairs where the
percentage of Hindi knowing staff has gone 80 percent :—

का.प्रा. 806:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय
प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम
(4) के अनुसरण में, गृह मंत्रालय के विभिन्न कार्यालयों में हिन्दी
का कार्यसाधक ज्ञान दर्शने वाले कर्मचारियों की संख्या 80 प्रतिशत से
अधिक हो जाने के फलस्वरूप उन्हें प्रत्यक्षार्थ शर्तसूचित करनी है :

1. 33 Battalion Border Security Force, Kalyani, Nadia (West Bengal).
2. Subsidiary Training Centre, Kharka Camp, Punjab.
3. 153 Battalion Border Security Force.
4. 04 Battalion Border Security Force.

[No. 12017/1/95-Hindi]
K. C. KAPOOR, Director

1. 33 बटालियन, सीमा सुरक्षा बल, कल्याणी, नाडिया (पश्चिम बंगाल)
2. सहायक प्रशिक्षण केन्द्र, खड़का कैम्प, पंजाब
3. 153 बटालियन, सीमा सुरक्षा बल
4. 04 बटालियन, सीमा सुरक्षा बल

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 फरवरी, 1996

MINISTRY OF HOME AFFAIRS

New Delhi, the 11th March, 1996

S.O. 806.—In pursuance of Sub-Rule (4) of Rule 10 of the
Official Languages (use for Official Purposes of the Union)

का.प्रा. 807:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय
प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4)
के अनुसरण में केन्द्रीय उत्पाद शक्ति तथा सीमा शुल्क बोर्ड के

निम्नलिखित कार्यालय को, जबकि फर्नेकरा द्वारा ने हिन्दी का कार्य साधक शान प्राप्त कर लिया है, अधिसूचित करती है:—

1. केन्द्रीय उत्पाद शुल्क एवं सोमा शुल्क आयुक्त का कार्यालय, नागपुर-440001।

[सं. ई-11017/2/96-प्रश्ना-4क]

आत्मा राम, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 23rd February, 1996

S.O. 807.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following office of the Central Board of Excise and Customs, the staff whereof have acquired working knowledge of Hindi:—

Office of the Commissioner,
Central Excise & Customs,
Nagpur-440001.

[F. No. E-11017/2/96-Ad.IVA]
ATMA RAM, Under Secy.

(आधिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 1 मार्च, 1996

का.आ. 808:—यह बैंककारी विभाग में अधिनियम, 1949 की धारा 45 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुभार केन्द्रीय सरकार ने नेशनल बैंक आफ लाहौर लि., दिल्ली का भारतीय स्टेट बैंक के साथ विलय के लिये 20 फरवरी, 1970 को एक योजना घोषित की थी।

यह उक्त योजना के खण्ड 6 के उपखण्ड (ix) के अधीन भारतीय स्टेट बैंक द्वारा नेशनल बैंक आफ लाहौर लि., दिल्ली की परिसंपत्तियों का, जिनको नियत तारीख को अन्तिम रूप से मूल्यांकन कर दिया गया है, अन्तिम रूप से मूल्यांकन नियत तारीख से बारह वर्षों की समाप्ति पर अपेक्षित था।

यह भारतीय स्टेट बैंक ने यह अस्थावेदन किया है कि वही संस्था में परिसंपत्तियों अन्तर्गत होने और बैंक के प्रयासों के बावजूद अधिकांश मध्यों की वसुलियां अपनी बाकी होने के कारण बैंक, विलय योजना के खण्ड 6 के उपखण्ड (ix) में विनिकिष्ट समय के भीतर परिसंपत्तियों का अन्तिम रूप से मूल्यांकन करते में असमर्थ रहा है।

और यह केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करते के बाद हम आत में संतुष्ट हैं कि विलय योजना को लागू करते में कठिनाई पैदा हो गई है और उत्पाद समय बढ़ाकर जितने में परिसंपत्तियों का अन्तिम रूप से मूल्यांकन अपेक्षित है, उक्त कठिनाई को धूर करना जरूरी है।

अतः ग्रब नेशनल बैंक आफ लाहौर लि., दिल्ली के भारतीय स्टेट बैंक के साथ विलय की 20 फरवरी, 1970 की विलय योजना के खण्ड 21 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा मिवेष देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से नेशनल बैंक आफ लाहौर लि.,

दिल्ली की उन परिसंपत्तियों का, जिनकी वसुली और मूल्यांकन नहीं हुआ है, नियत तारीख से सत्तार्ष वर्षों की अवधि के भीतर मूल्यांकन बार ले रहा।

[फ. म. 15/4/95-वी. अ. प.]

बा.एल. सच्चेदेव, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 1st March, 1996

S.O. 808.—Whereas on 20th February 1970, a Scheme of Amalgamation of the National Bank of Lahore Ltd., Delhi, with the State Bank of India was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation Act, 1949;

Whereas under sub-clause (ix) of clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the National Bank of Lahore Ltd., Delhi, which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date;

Whereas the State Bank of India has represented that in view of the large number of assets involved and the recovery of most of the items yet to be realised in spite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the Scheme of Amalgamation;

And whereas the Central Government, in consultation with the Reserve Bank of India, is satisfied that a difficulty has arisen in giving effect to the Scheme of Amalgamation, which, it is necessary to remove by extending the time within which the final valuation of assets is required to be made;

Now, therefore, in exercise of the powers conferred by clause 21 of the Scheme of Amalgamation dated 20th February, 1970 of the National Bank of Lahore Ltd., Delhi, with the State Bank of India, the Central Government hereby directs that the State Bank of India shall, in consultation with and with the approval of the Reserve Bank of India, value the assets of the National Bank of Lahore Ltd., Delhi which have not been realised and valued, within a period of twenty-seven years from the prescribed date.

[No. 15/4/95-BOA]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 4 मार्च, 1996

का.आ. 809:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठिन बैंककारी कम्पनी (उपकरणों का अर्जन एवं अंतर्गत) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खण्ड (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करते के पश्चात्, एतद्वारा श्री कमलेश कुमार गोयन, 293 मी.ए. अपार्टमेंट्स, पश्चिम विहार, नई दिल्ली-110063 को 4 मार्च, 1996 से आरम्भ होने वाली तीन वर्षों की अवधि के लिए बैंक आफ इंडिया के निवेशक के रूप में नामित करती है।

[फ. म. 9/32/92-वी.ओ.-1]

मुधीर भारतीय, निदेशक

New Delhi, the 4th March, 1996

S.O. 809.—In exercise of the powers conferred by clause (g) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri Kamlesh Kumar Goel, 293, C.A. Apartments, Paschim Vihar, New Delhi-110063, as Director of Bank of India for a period of three years commencing on 4th March, 1996.

[F. No. 9/32/92-BO.I]
SUDHIR BHARGAVA, Director

उद्योग मंत्रालय
(भारी उद्योग विभाग)

नई दिल्ली, 1 मार्च, 1996

का. आ. 810.—केन्द्रीय सरकार, राजभाषा (मंध के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में निम्नलिखित कार्यालय का, जिनके 80% कर्मचारियां ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

- (1) हिन्दुस्तान केबिल्स लिमिटेड,
डाक कार्यालय : हिन्दुस्तान केबिल्स
हैंदराबाद-500051 (ग्रान्थ प्रदेश)
- (2) सीमेंट कारपोरेशन आफ इंडिया लिमिटेड,
क्षेत्रीय कार्यालय एस सी ओ 56-57,
सेक्टर-17, छी, चंडीगढ़।

[संख्या ई-11012 /1/92-हिन्दी]
ओ. पी. शर्वर, उप सचिव

MINISTRY OF INDUSTRY

(Department of Heavy Industry)

New Delhi, the 1st March, 1996

S.O. 810.—In pursuance of Sub-rule (4) of rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices whereof 80 per cent staff have acquired the working knowledge of Hindi :—

1. Hindustan Cables Limited,
P.O. Hindustan Cables,
Hyderabad—500051.
2. Cement Corporation of India Ltd.,
Regional Office, Chandigarh,
SCO. 56-57, Sector-17D, Chandigarh.

[No. E. 11012(1)/92-Hindi]
O. P. SHARVAR, Dy. Secy.

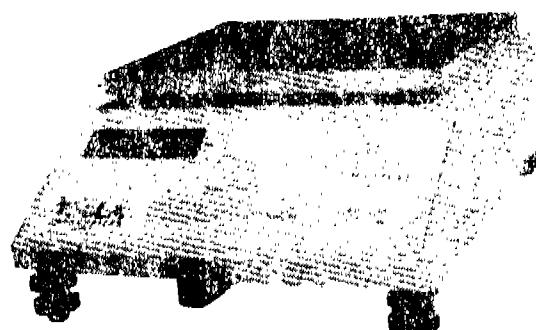
नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 6 मार्च, 1996

का. आ. 811.—केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1997 के उपनियमों के अनुरूप हैं और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाएं रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तुला इन्टरप्राइजेज 21 गोतम निवास, 7 बन्गलों, अंधेरी (वेस्ट) मुम्बई-400058 द्वारा विनियमित स्वयं सूची, अन्वयतः चालित मेज पृष्ठ तुलन यंत्र जिसमें वर्ग III यथार्थता के साथ तुला टाईप टी. ई-टी. आई और ग्रांड नाम का अंकीय प्रदर्शन होगा, के माडल का अनुमोदन प्रमाणपत्र प्रकाशित करती है, और जिसे ई/9/5/44 अनुमोदन चिह्न समन्वेशित किया गया है।

यह माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग 3) इलैक्ट्रॉनिक मेज पृष्ठ तुलन मर्जीन है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन अनुमाती अन्तराल 2 ग्राम है। इसमें आधेय तुलन प्रभाव होगा। भारतीय वर्गकार होगा और उसकी भुजाएं 252 मिलीमीटर की होगी। 10 मिलीमीटर आकार के 5 अंकीय लेड प्रदर्शन से तुलन परिणाम उपलब्धित होगा। यह यंत्र 230 बोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करेगा।



(आकृति)

और यह कि केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह धृष्टित करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी प्रकार के मेक, यथार्थता और निष्पादन बाले

तुलन यंत्र भी होंगे जिनकी अधिकतम क्षमता 550 ग्राम/0.1 ग्राम, 1 किलोग्राम/0.1/0.2 ग्राम/2 किलोग्राम 0.5 ग्राम, 3/6 किलोग्राम 0.5/1 ग्राम, 5 किलोग्राम/1 ग्राम 6/12 किलोग्राम/1/2 ग्राम 10/12 किलोग्राम/2 0 ग्राम, 15 किलोग्राम/5 ग्राम, 20 किलोग्राम/5 ग्राम, 25 किलोग्राम/5 ग्राम, 30 किलोग्राम/5 ग्राम 15/30 किलोग्राम/2/5 ग्राम और उसी विनिर्माण द्वारा उन्हें सिद्धांत डिजाइन और उसी सामग्री से विनिर्मित किए जाते हैं जिनके अनुसार अनुमोदित माडल विनिर्मित किया गया है।

[फा. सं. भद्रलू प्र 21(22)/94]

राजीव श्रीवास्तव, संयुक्त सचिव

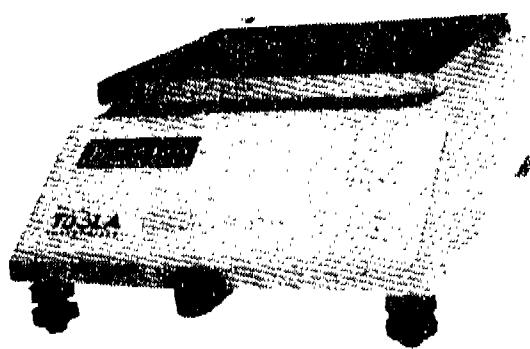
MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS,
AND PUBLIC DISTRIBUTION

New Delhi, the 6th March, 1996

S.O. 811.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic table top weighing instrument with digital display of type "TE-TR" series and brand name "Toola" of accuracy class III (hereinafter referred to as the Model) manufactured by M/s. Toola Enterprises, 21, Gautam Niwas, 7 Bungalows, Andheri (W), Bombay-400058, and which is assigned the approval mark IND/00/95/44;

The Model (see figure) is a medium accuracy (accuracy class III) electronic table top weighing machine with a maximum capacity of 10 kilogram and minimum capacity of 40g. The verification scale interval (e) is 2 gram. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square shape of sides 252 millimetre. The 5 digits LED display of character size 10 mm indicates the weighing result. The instrument operates on 230 volts, 50 hertz alternate current power supply.



(Figure)

For her, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance with a maximum capacity of 550g/0.1g, 1kg/0.1/0.2g, 2kg/0.5g, 3/6kg/0.5/1g, 5kg/1g, 6/12kg with 1g or 12g, 10/12kg/2.0g, 15kg/5g, 20kg/5g, 25kg/5g, 30kg/5g, 15/30 kg with 2g or 5g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(22)/94]

RAJIV SRIVASTAVA, Lt. Secy.

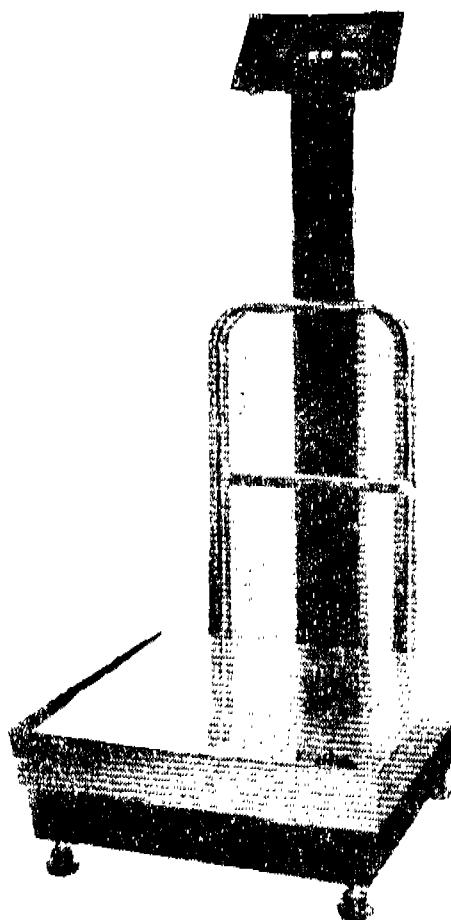
नई दिल्ली, 7 मार्च, 1996

का. श्रा. 812—केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात ममाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि उक्त माडल लगानार प्रयोग की अवधि के यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 के एम. ई. सीरीज के स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक प्लेटफार्म तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स मैटलर इलेक्ट्रॉनिक्स इंडिया प्राइवेट लिमिटेड, प्लाट सं. 1113, फेस 3, जी.आई.डी.सी. बटवा, अहमदाबाद-382445 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी. / 09/95/27 समनदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता) वर्ग 3 का इलेक्ट्रॉनिक प्लेटफार्म तोलन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तर (ई) 20 ग्राम है। इसमें एक टेपर युक्त है जिसका व्यक्तिनात्मक प्रतिधारण टेपर प्रभाव 100 प्रतिशत है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपर्योगित करता है। भारगाही आयताकार आकृति का धात्विक पतड़ा (पेन) है जिसका एवं 600 × 450 मि.मी. है। यह उपकरण 250 बोल्ट,

50 हर्ट्ज के प्रत्यावर्ती ध्वाग विद्युत प्रदाय प्रचालित होता है।



आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी मिद्दान्त डिजाइन के अनुसार और उसी सामग्री से, जिसमें अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 100 किलोग्राम, 200 किलोग्राम, 300 किलोग्राम, 500 किलोग्राम, 1000 किलोग्राम और 2000 किलोग्राम की अधिकतम क्षमता वाले समरूप मंक, यथार्थता और उसी मिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू. एम. 21 (46)/93]
राजीव श्रीवास्तव, संयुक्त सचिव

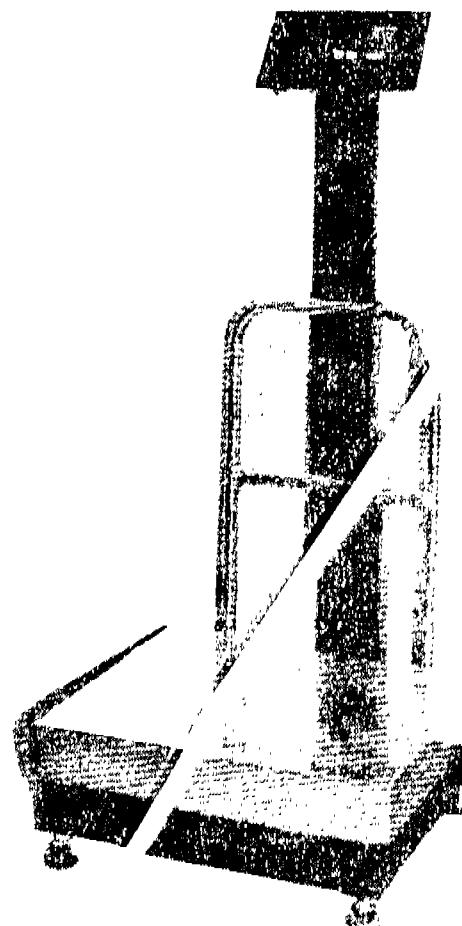
MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION

New Delhi, the 7th March, 1996

S.O. 812.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic platform weighing machine of series ME series of class III Medium accuracy and with the brand name "METTLER" (hereinafter referred to as the Model) manufactured by M/s. Mettler Electronics India Pvt. Ltd., Plot No. 1113, Phase III, G.I.D.C. Vatva, Ahmedabad-382445, and which is assigned the approval mark INO/09/95/27;

The Model (see figure) is a medium accuracy (accuracy class III) electronic platform weighing instrument with a maximum capacity of 100 kg and minimum capacity of 400 gram. The verification scale interval (c) is 20 gram. The LCD digital display indicates the weighing result. The load receptor is a metallic pan of rectangular shape of side 600×450 mm. The instrument works on 250 volts 50 hertz power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 100 kg, 200 kg, 300 kg, 500 kg, 1000 kg and 2000 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

JF. No. WM-21(46)/93
RAJIV SRIVASTAVA, Jt. Secy.

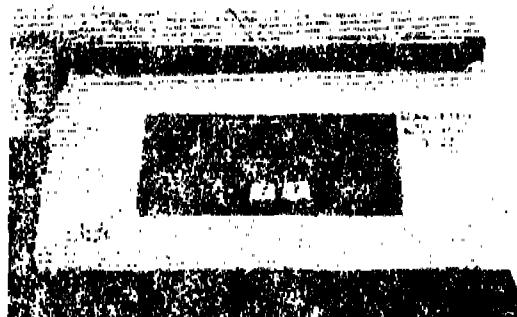
नई दिल्ली, 7 मार्च, 1996

का. आ. 813.—केन्द्रीय सरकार वी विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित

माडल बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुच्च हैं और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 के एम. ई. सी. रीज के स्वतः सूचक गैर-स्वचालित टेबल टाप तोलन मशीन के माडल का (जिसे इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स मैट्लर इलैक्ट्रोनिक्स इंडिया प्राइवेट लिमिटेड, प्लाट सं. 1113, फेस 3 जी आई. डी. सी. बटवा, अहमदाबाद-382445 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. /09/95/28 समन्वेति किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए एक मध्यम यथार्थता) (यथार्थता वर्ग 3) का इलैक्ट्रोनिक टेबल टाप तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तर (ई) 2 ग्राम है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपर्याप्त करता है। मार्गार्ही आयताकार आकृति का धान्विक (पेन) है जिसका पार्श्व 300×200 मि. मी. है। यह उपकरण 250 बोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



की अधिकतम क्षमता वाले समस्य मैक, यथार्थता और उसी सीरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

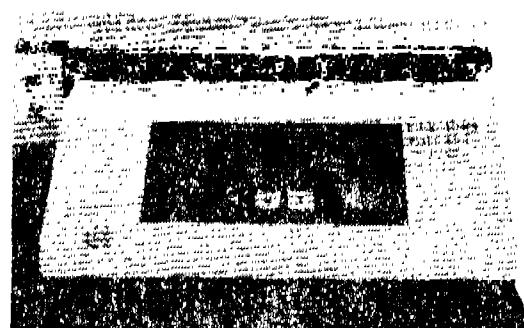
[फा. सं. उच्च. एम. 21 (46)/93]
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 7th March, 1996

S.O. 813.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing machine of series ME series of class III Medium accuracy and with brand name "METTLAR" (hereinafter referred to as the Model) manufactured by M/s. Mettler Electronics India Pvt. Ltd., Plot No. 1113, Phase III, G.I.D.C. Vatva, Ahmedabad-382445, and which is assigned the approval mark JND/09/95/28;

The Model (see figure) is a medium accuracy (accuracy class III) electronic table top weighing instrument with a maximum capacity of 10 kg and minimum capacity of 40 gram. The verification scale interval (e) is 2 gram. The LED digital display indicates the weighing result. The load receptor is a metallic pan of rectangular shape of side 300×200 mm. The instrument works on 250 volts 50 hertz power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, capacity and performance of same series with maximum capacity of 300 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 15 kg, 20 kg, 25 kg and 30 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(46)/93]
RAJIV SRIVASTAVA, Lt. Secy.

कोयला मंत्रालय

नई दिल्ली 1 मार्च, 1996

का. आ. 814—केन्द्रीय सरकार, मरकारी स्थान (अप्राधिकृत अधिभोगियों की वेरेखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, और भारत सरकार के ऊर्जा भवालय (कोयला विभाग) की अधिसूचना का. आ. 1071, तारीख 15 मार्च, 1984 को अधिकृत करने हुए, जो भारत के राजपद, तारीख 31 मार्च, 1984 को प्रकाशित की गई थी, नीचे वी सारणी के स्तंभ 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपद्धति अधिकारियों की पंक्ति के समतुल्य हैं, उक्त अधिनियम के प्रयोगन के लिए सम्पदा अधिकारी नियुक्त करती है और उक्त अधिकारी सारणी के स्तंभ 2 में विनिर्दिष्ट मरकारी स्थानों के प्रवर्गों की व्यावर अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उस पर अधिगैपित कर्तव्यों का पालन करेगा।

मारणी

अधिकारी या पदनाम

मरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएँ

- उप भुम्य संपदा/प्रबंधक, सेंट्रल कोलफील्ड्स लि., दरभंगा हाउस सेंट्रल कोलफील्ड्स लि., रांची, से संबंधित मुख्यालय और रांची।
- संयुक्त प्रबंधक सेंट्रल कोलफील्ड्स लि., दरभंगा हाउस, रांची। सेंट्रल कोलफील्ड्स लि., रांची से संबंधित और उसके प्रशासनिक नियंत्रणाधीन सभी स्थानों जो संपदा प्रबंधक के प्रशासनिक प्रभार की अधिकारिता के भीतर आने वाले गिरिझीह, बोकारो, हजारीबाग, चतरा और पलामू के जिलों में फैले हुए हैं।
- उप संपदा प्रबंधक, सेंट्रल कोलफील्ड्स लि., दरभंगा हाउस, रांची। सेंट्रल कोलफील्ड्स लि., रांची में संबंधित और उसके प्रशासनिक नियंत्रणाधीन सभी स्थान जो उप संपदा प्रबंधक के प्रशासनिक प्रभार की अधिकारिता के भीतर आने वाले गिरिझीह, बोकारो, हजारीबाग चतरा और पलामू के जिलों में फैले हुए हैं।

[फा. नं. 43022/1/92-एल. एम. डब्ल्यू.]

थीमती प्रेम लता सैनी, अवर सचिव

MINISTRY OF COAL

New Delhi, the 1st March, 1996

S.O.115.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1071 dated 15th March, 1984 published in the Gazette of India dated the 31st March, 1984, the Central Government hereby appoints the Officers mentioned in Column 1 of the Table below, being the Officers equivalent to the rank of Gazetted Officer of the Central Government, to the Estate Officers for the purpose of the said Act, and the said Officers shall exercise the powers conferred and perform the duties imposed on the State Officers by or under the said Act, within the local limits of their respective jurisdictions in respect of categories of the public premises specified in column 2 of the said Table.

TABLE

Designation of the Officers	Categories of the public promises and local limits of jurisdiction.
1. Dy. Chief Estate Manager, Central Coalfields Ltd., Darbhanga House, Ranchi	All the premises belonging to and under the administrative control of Central Coalfields Ltd., Ranchi Head Quarters.
2. Estate Manager, Central Coalfields Ltd., Darbhanga House, Ranchi.	All the premises belonging to and under the administrative control of the Central Coalfields Ltd., Ranchi spread over in the districts of Giridih, Bokaro, Hazaribagh, Ranchi, Chatra and Palamau falling within the jurisdiction of administrative charge of the Estate Manager.
3. Dy. Estate Manager, Central Coalfields Ltd., Darbhanga House, Ranchi.	All the premises belonging to and under the administrative control of the Central Coalfields Ltd., Ranchi spread over in the districts of Giridih, Bokaro, Hazaribagh, Ranchi, Chatra and Palamau falling within the jurisdiction of administrative charge of the Dy. Estate Manager.

[No. 43022/1/95-LSW]

MRS. P. L. SAINI, Under Secy.

नई दिल्ली, 4 मार्च, 1996

या. आ. 815—केन्द्रीय सरकार ने कोयला ध्रुतक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के गजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 7 मई, 1994 में प्रकाशित भारत सरकार के कोयला भवालय की अधिसूचना का. आ. सं. 1063 तारीख 11 अप्रैल, 1994 द्वारा उस अधिसूचना के उपावद अनुसूची में विनिर्दिष्ट परिक्षेत्र में 934.40 एकड़ (लगभग) या 378.13 हैक्टर (लगभग) नाप वाली भूमि में कोयले का पर्वेक्षण करने के अपने आशय की सूचना दी थी;

और उक्त भूमि की बाबत, अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई।

अतः, अत्र, केन्द्रीय सरकार उक्त धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, 7 मई, 1996 से आरभ होने वाले एक वर्ष की और अवधि को उस अवधि के स्वयं में विनिर्दिष्ट करती है, जिसके भीतर केन्द्रीय सरकार, इससे उपायद्वं अनुसूची में वर्णित उक्त भूमि या ऐसी भूमि में या उस पर के किन्ती अधिकारों के अर्जन के अपने आशय की भूत्ता दे सकेगी।

अनसुची

जागेश्वर और जागेश्वर खाम ब्लाक
परिचमी बोकारो कोयला क्षेत्र
जिला हजारीबाग और बोकारो

(रेखांक सं. राजस्व/15/93, तारीख 1-9-1993

(पूर्वोक्त के लिए अधिसूचित की जाने वाली भूमि को दर्शाते हुए)

क्र. सं.	ग्राम	थाना	थाना संख्या	जिला	एकड़ में क्षेत्र	हेक्टर में क्षेत्र	टिप्पणियाँ
1.	जागेश्वर	भोमिया	36	बोकारो	192.00	77.70	भाग
2.	लोईयो	मान्डू	162	हजारीबाग	128.00	51.80	भाग
3.	बुड्यांव	मान्डू	163	हजारीबाग	281.60	113.95	भाग
4.	भूयाडीह	मान्डू	170	हजारीबाग	265.00	103.60	भाग
5.	सिरका	मान्डू	171	हजारीबाग	76.80	31.08	भाग

कुल धेनुकल 934.40 एक' (लगभग)

३०

378.13 हेक्टर (लगभग)

सीमा वर्णन

क—ख रेखा "क" बिन्दु से आरंभ होती है और ग्राम सिरका से होकर जाती है तथा "ख" बिन्दु पर मिलती है।

ख-ग-घ रेखा ग्राम भूयाडीह, बड़गांव और जगेश्वर से होकर जाती है और बिन्दु "घ" पर मिलती है।

ग-इ रेखा ग्राम जगेश्वर और लोइयो से होकर जाती है जो उक्त अधिनियम की घारा 4 की उपधारा (1) के अधीन अधिसूचना के लिए आदिष्ट चौरीटेनर तिलया ब्लाक की सम्मिलित सीमा बनाती है और "इ" बिन्दु पर मिलती है।

इ—च रेखा बोकारो नदी के दक्षिणी भाग के साथ ग्राम लोइयो से होकर जाती है और "च" बिन्दु पर मिलती है।

च—क रेखा ग्राम लोइयो और बड़गांव, लोइयो और भूयाडीह तथा लोइयो और सिरका की भागत: सम्मिलित सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/21/93-एस. एस. डब्ल्यू]
श्रीमती प्रेम लता सैनी, अवर सचिव

New Delhi, the 4th March, 1996

S.O. 815.—Whereas by the notification of the Government of India in the Ministry of Coal, New Delhi No. S.O. 1063, dated the 11th April, 1994, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 7th May, 1994, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 934.40 acres (approximately) or 378.13 hectares (approximately) in the locality specified in the schedule annexed to that notification;

And whereas in respect of the said lands, no notice under-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the power conferred by the said sub-section (1) of section 7, the Central Government hereby specifies a further period of one year commencing from the 7th May, 1996, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands as mentioned in the Schedule hereto annexed.

SCHEDULE

Jageswar and Jageswar Khas Block
West Bokaro Coalfield

District : Hazaribagh and Bokaro

(Drawing No. Rev/15/93 dated 1-9-1993)
(Showing lands to be notified for prospecting)

Serial number	Village	Thana	Thana number	District	Area in acres	Area in hectares	Remarks
1	2	3	4	5	6	7	
1. Jageswar		Gomia	36	Bokaro	192.00	77.70	Part
2. Loiyo		Mandu	162	Hazaribagh	128.00	51.80	Part
3. Badgaon		Mandu	163	Hazaribagh	281.60	113.95	Part
4. Bhuyadiah		Mandu	170	Hazaribagh	256.00	103.60	Part
5. Sirkha		Mandu	171	Hazaribagh	76.80	31.08	Part
Total area:—				934.40 acres (approximately) or 378.13 hectares (approximately)			

A-B Line starts from point 'A' and passes through village Sirkha and meets at point 'B'.

B-C-D Line passes through villages Bhuyadiah, Badgaon and Jageswar and meets at point 'D'.

D-E Line passes through villages Jageswar and Loiyo (which forms common boundary with Choritanr-Tilaiya Block processed for notification under sub-section (1) of section 4 of the said Act and meets at point 'E'.

E-F Line passes through village Loiyo along the southern part of River Bokaro and meets at point 'F'.

F-A Line passes along the part common boundaries of villages Loiyo and Badgaon, Loiyo and Bhuyadih, and Loiyo and Sirka and meets at starting point 'A'.

[No. 43015/21/93-LSW
MRS. P.L. SAINI, Under Secy.

नई दिल्ली, 4 मार्च, 1996

का. आ. 816—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 23 अप्रैल, 1994 में प्रकाशित शारत सरकार के कोयला भवालय, नई दिल्ली की अधिसूचना सं. का. आ. 958 तारीख 23 मार्च, 1994 द्वारा, उस अधिसूचना से उपाबद्ध अनुमूली में विनिर्दिष्ट परिक्षेत्र में 517.25 एकड़ (लगभग) या 209.32 हेक्टर (लगभग) नाप वाली भूमि में कोयले का पूर्वेक्षण करने के अपने आण्य की सूचना दी थी;

और उक्त भूमि की बाबत, उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई है;

अतः अब केन्द्रीय सरकार, उक्त धारा 7 की उक्त उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 23 अप्रैल, 1996 से आरंभ होने वाले एक वर्ष की और अवधि को उस अवधि के रूप में विनिर्दिष्ट करती है, जिसके भीतर केन्द्रीय सरकार, इससे उपाबद्ध अनुमूली में वर्णित उक्त भूमि या ऐसी भूमि या उस पर के किन्हीं अधिकारों के अर्जन के अपने आण्य की सूचना दे सकेगी।

अनुमूली

टोपा विवृत परियोजना विस्तार

पश्चिमी बोकारो कोयला क्षेत्र

जिला हजारीबाग

रेखांक सं. राजस्व, /3/92 तारीख 9 जनवरी, 1992

(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्र. ग्राम का नाम सं.	धाना	धाना में	जिला	क्षेत्र एकड़ में	क्षेत्र हेक्टर में	टिप्पणियां
1. पदरंगी	मंडू	54	हजारीबाग	12.25	4.96	भाग
2. टोयरा	मंडू	125	हजारीबाग	505.00	204.36	भाग
			कुल क्षेत्र:		517.25 एकड़	
			या		209.32 हेक्टर (लगभग)	

सीमा वर्णन

क—ख रेखा बिन्दु "क" से आरंभ होती है और भागत: ग्राम टोयरा और पदरंगी की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।

ख—ग—घ रेखा ग्राम पदरंगी से होकर जाती है और बिन्दु "घ" पर मिलती है।

घ—ड रेखा भागत: ग्राम टोयरा और पदरंगी टोयरा और पिङरा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और "ड" बिन्दु पर मिलती है।

ड—च रेखा ग्राम टोयरा से होकर जाती है और "च" बिन्दु पर मिलती है।

च—क रेखा भागत: टोयरा और केरी बांदा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और आरंभिक बिन्दु "क" पर मिलती है।

New Delhi, the 4th March, 1996

S. O. 816.—Whereas by the notification of the Government of India in the Ministry of Coal, New Delhi, N. S.O. 958, dated the 23rd, March, 1994, published in the Gazette of India, part II, Section 3, Sub-Section (ii) dated the 23rd April, 1994, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 517.25 acres (approximately) or 209.32 hectares (approximately) in the locality specified in the schedule annexed to that notification;

And whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specified a further period of one year commencing from the 23rd April, 1996, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands as mentioned in the Schedule hereto annexed.

SCHEDULE

Extention of Topa Open Cast Project

West Bokaro Coalfield

District : Hazaribagh

Drg. No. Rev/3/92

Dated 9-1-92

(Showing Lands notified for prospecting).

Serial	Name of the Number village	Thana	Thana number	District	Area in acres	Area in hectares	Remarks
1.	Padrangi	Mandu	54	Hazaribagh	12.25	4.96	part
2.	Toera	Mandu	125	Hazaribagh	505.00	204.36	part
Total Area :— 517.25 acres or 209.32 hectares (approximately)							

Boundary description:—

A-B Line starts from point 'A' and passes along part common boundary of village Toera and Padrangi and meets at point 'B'.

B-C-D Line passes through village Padrangi and meet at point 'D'.

D-E Line passes along part common boundary of villages Toera and Padrangi, Toera and Pindra and meets at point 'E'.

E-F Line passes through village Toera and meets at point 'F'.

F-A Line passes along part common boundary of villages Toera and Keribanda and meets at starting point 'A'.

[No. 43015/4/92-LSW]

MRS. P. L. SAINI, Under Secy.

गुह्य-पत्र

नई दिल्ली, 7 मार्च, 1996

का.आ. 817—भारत के राजपत्र, तारीख 7 मई, 1994 के भाग 2, खंड-3, उपखंड (ii) में पृष्ठ संख्या 1427 से 1429 पर प्रकाशित भारत सरकार, कोयला मंत्रालय की अधिसूचना सं. का. आ. 1061 तारीख 11 अप्रैल, 1994 में:—

पृष्ठ क्रमांक 1427 पर अधिसूचना की अनुसूची में, कालम-3 में “धाना संख्या” की जगह “तहसील संख्या” पढ़ा जाए।

[का. सं. 43015/1/94-एस.एस.उल्लू.]

श्रीमती प्रेम धना सैनी, अवर सचिव

S.O. 817.—In the notification of the Government of India in the Ministry of Coal, S.O. No. 1061, dated 11th April, 1994 published at pages 1427 to 1429 of the Gazette of India, Part-II, Section-3, Sub-Section (ii) dated 7th May, 1994 :—

at page 1428, in the Table of the Schedule to the notification,

(1) in column 3, for the heading "Thana Number" read "Tahsil Number".

(2) under the heading "Village" at Sl. No. 2, for "Gopalprasad Kumar" read Gopalprasad Khamar.

[No. 43015/1/94-LSW]

MRS. P. L. SAINI, Under Secy.

नई विली, 8 मार्च, 1996

का.आ. 818.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 2 अप्रैल, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं.का.आ. 819, तारीख 23 फरवरी, 1994 द्वारा उस अधिसूचना से और इस अधिसूचना से भी संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में 3433.131 हैंक्टर (लगभग) या 8483.266 एकड़ (लगभग) है, माप वाली भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और उक्त भूमि के संबंध में उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 2 अप्रैल, 1996 से प्रारंभ होने वाले एक और वर्ष की अवधि को ऐसी अवधि के रूप में विनिर्दिष्ट करती है जिसके भीतर केन्द्रीय सरकार इस भूमि या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन करने के अपने आशय की सूचना दे सकेगी।

अनुसूची

आमाडांड व्याक—1

सोहागपुर कोलफीस्डस

जमुना कोतमा क्षेत्र

जिला शहडोल (मध्य प्रदेश)

(रेखांक सं. एस.ई.सी.एल./बी.एम.पी./पी.एल.जी०/भूमि/161, तारीख 4 जनवरी, 1995)

क्र. सं.	ग्राम	पटवारी हस्तांक सं.	तहसील	जिला	क्षेत्र हैक्टरों में	टिप्पणियां
1.	जमुड़ी	25	कोतमा	शहडोल	539.805	पूर्ण
2.	ऊरा	25	कोतमा	शहडोल	644.393	पूर्ण
3.	पयारी	26	कोतमा	शहडोल	602.259	पूर्ण
4.	सोहीबेलहा	26	कोतमा	शहडोल	675.411	पूर्ण
5.	मझौली	26	कोतमा	शहडोल	337.134	पूर्ण
6.	घनौली	26	कोतमा	शहडोल	365.413	पूर्ण
7.	डड़ईबहरा	26	कोतमा	शहडोल	268.716	पूर्ण

योग :

3433.131 हैक्टर (लगभग)

या

8483.266 एकड़ (लगभग)

सीमा वर्णन :

क-ख रेखा केबई नदी और हेन्द्री नाले के संगम पर “क” बिन्दु से प्रारंभ होती है और हेन्द्री नाले से होकर गुजरती है तथा “ख” बिन्दु पर मिलती है।

ख-ग-घ रेखा ऊरा ग्राम की पूर्वी सीमा और भागतः दक्षिणी सीमा के साथ-साथ चलती है तथा “ख” बिन्दु पर मिलती है।

घ-ड-च-छ रेखा ग्राम घनौली की पूर्वी सीमा, ग्राम मझौली की उत्तरी सीमा, मझौलों और पयारी ग्रामों को पूर्वी सीमा के साथ-साथ चलती है तथा “छ” बिन्दु पर मिलती है।

छ-ज रेखा ग्राम पयारी की दक्षिणी सीमा के साथ-साथ चलती है तथा “ज” बिन्दु पर मिलती है।

ज-क रेखा केबई नदी और पयारी, सोहीबेलहा, ग्रामों की पश्चिमी सीमाओं और जमूड़ी ग्राम की पश्चिम-उत्तरी सीमा से गुजर कर प्रारंभिक बिन्दु “क” पर मिलती है।

[फा. सं. 43015/10/93-एस.डब्ल्यू.]

श्रीमती ब्रेमलता सैनी, अवर सचिव

New Delhi, the 8th March, 1996

S.O. 818.—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 819 dated the 23rd February 1994 under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in Part-II, Section 3, Sub-Section (ii) of the Gazette of India dated the 2nd April, 1994 the Central Government gave notice of the intention to prospect for coal in lands measuring 3433.131 hectares (approximately) or 8483.266 acres (approximately) in the locality specified in the Schedule appended thereto as also in the Schedule hereeto annexed.

And whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 2nd April, 1996, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

SCHEDULE

AMADAND BLOCK-I
SOHAGPUR COALFIELDS
JAMUNA-KOTIMA AREA

DISTRICT - SAHADOL (MADHYA PRADESH)
(Plan No. SECL/BSP/PLG/LAND/161
Dated : 4th January, 1995

Sl. No.	Village Name	Patwari Halka Number	Tehsil	District	Area in hectares	Remarks
1.	Jamudi	25	Kotma	Shahdol	539.805	Full
2.	Oora	25	Kotma	Shahdol	644.393	Full
3.	Payari	26	Kotma	Shahdol	602.259	Full
4.	Sohibelha	26	Kotma	Shahdol	675.411	Full
5.	Majhauli	26	Kotma	Shahdol	337.134	Full
6.	Dhanauli	26	Kotma	Shahdol	365.413	Full
7.	Dadai Bahara	26	Kotma	Shahdol	268.761	Full
TOTAL :						3433.131 Hectares (approximately)
OR						8483.266 acres (approximately)

BOUNDARY DESCRIPTION :

A—B Line starts from point 'A' on the junction of Kewai River and Hendri Nala, and passes through Hendri Nala and meets at point 'B'.

B—C—D Line passes along the eastern and partly along the southern boundary of Oora village and meets at point 'D'.

D—E—F—G Line passes along the eastern boundary of village Dhanauli, northern boundary of village Majhauli, eastern boundaries of villages Majhauli and Payari and meets at point 'G'.

G—H Line passes along the southern boundary of village Payari and meets at point 'H'.

H—A Line passes through Kewai River and Western boundaries of village Payari, Sohibelha, Dadai Bahara and Western-Northern boundary of village Jamudi and meets at the starting point 'A'.

नई दिल्ली, 11 मार्च, 1996

का.आ. 819.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 23 अप्रैल, 1994 में प्रकाशित भारत सरकार के कोयला भंडालय की अधिसूचना का.आ. सं. 960, तारीख 22 मार्च, 1994 द्वारा उस अधिसूचना से और इस अधिसूचना से भी उपावद अनुसूची में विनिर्दिष्ट परिक्षेत्र 923.50 हेक्टर (लगभग) या 2282.06 एकड़ (लगभग) माप वाली भूमि में, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी।

और उक्त भूमि के संबंध में, उक्त अधिनियम की धारा 7 की उपधारा (i) के अधीन कोई सूचना नहीं दी गई है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 23 अप्रैल, 1996 से प्रारंभ होने वाले एक वर्ष की अवधि के उस अवधि के रूप में विनिर्दिष्ट करती है जिसके भीतर केन्द्रीय सरकार, उक्त भूमि या ऐसी भूमि में या उन पर के अधिकारों का अर्जन करने के अपने आशय की सूचना दे सकेगी :—

अनुसूची
नया चिखलगांव ब्लाक
मजरी क्षेत्र
जिला यावतमल (महाराष्ट्र)

क्र. सं.	ग्राम का नाम	ग्राम संख्यांक	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियां
1.	कलामना	31	वाणी	यावतमल	27.50	भाग
2.	चिखलगांव	105	वाणी	यावतमल	620.00	भाग
3.	वाणी	337	वाणी	यावतमल	51.00	भाग
4.	गणेशपुर	79	वाणी	यावतमल	160.00	भाग
5.	परसोदा	194	वाणी	यावतमल	65.00	भाग

कुल क्षेत्र : 923.50 हेक्टर (लगभग)
या
2282.06 एकड़ (लगभग)

सीमा वर्णन :

क—ख रेखा "क" बिन्दु से आरंभ होती है और ग्राम परसोदा तथा परसोनी, चिखलगांव और परसोनी, मुरधनी और चिखलगांव की सम्मिलित ग्राम सीमाओं के साथ-साथ चलती है और "ख" बिन्दु पर मिलती है।

ख—ग रेखा भागत: ग्राम चिखलगांव और गणेशपुर की सम्मिलित सीमा के साथ-साथ चलती है, उसके पश्चात् ग्राम गणेशपुर से होकर गुजरती है और "ग" बिन्दु पर मिलती है।

ग—घ रेखा ग्राम गणेशपुर से होकर गुजरती है, उसके पश्चात् ग्राम वाणी से होकर चलती है और "घ" बिन्दु पर मिलती है।

घ—ड रेखा ग्राम वाणी से होकर गुजरती है, उसके पश्चात् भागत: ग्राम वाणी और चिखलगांव की सम्मिलित सीमा के साथ-साथ चलती है और "ड" बिन्दु पर मिलती है।

ड—च रेखा ग्राम चिखलगांव से होकर गुजरती है तथा उसके पश्चात् ग्राम कलामना से होकर चलती है तथा "च" बिन्दु पर मिलती है।

च—फ रेखा ग्राम कलामना, चिखलगांव, परसोदा से होकर गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

New Delhi, the 11th March, 1996

S.O.: 819.—Whereas by the notification of the Government of India in the Ministry of Coal, number S.O. 960 dated the 22nd March, 1994, issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, sub-section (ii) of the Gazette of India dated the 23rd April, 1994, the Central Government gave notice of its intention to prospect for coal in lands measuring 923.50 hectares (approximately) or 2282.06 acres (approximately) in the locality specified in the schedule appended thereto as also in the schedule hereto annexed:

And whereas in respect of the said lands, no notice under sub-section (1) of Section 7 of the said Act has been given.

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of Section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 23rd April, 1996 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

SCHEDULE
NEW CHIKHALGAON BLOCK
MAJRI AREA.
District Yavatmal (Maharashtra)

Sl. No.	Name of village	Village No.	Tahsil	District	Area in hectares	Remarks
1.	Kalamana	31	Wani	Yavatmal	27.50	Part
2.	Chikhalgaon	105	Wani	Yavatmal	620.00	Part
3.	Wani	337	Wani	Yavatmal	51.00	Part
4.	Ganeshpur	79	Wani	Yavatmal	160.00	Part
5.	Parsoda	194	Wani	Yavatmal	65.00	Part
Total area :					923.50 hectares (approximately) OR 2282.06 acres (approximately)	

Boundary description :-

A—B Line starts from point 'A' and passes along the common village boundary of villages Parsoda and Parsoni, Chikhalgaon and Parsoni, Murdhani and Chikhalgaon and meets at point 'B'.

B—C Line passes partly along the common village boundary of villages Chikhalgaon and Ganeshpur, then passes through village Ganeshpur and meets at point 'C'.

C—D Line passes through village Ganeshpur, then proceeds through village Wani and meets at Point 'D'.

D—E Line passes through village Wani, then proceeds partly along the common village boundary of villages Wani and Chikhalgaon and meets at point 'E'.

E—F Line passes through village Chikhalgaon and then proceeds through village Kalmana and meets at point 'F'.

F—A Line passes through villages Kalmana, Chikhalgaon, Parsoda and meets at starting point 'A'.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 फरवरी, 1996

का. आ. 820 :—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जागी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की अधिसूचना सं. का.आ. द्वारा उन अधिसूचनाओं में संलग्न अनुसूची में विर्विष्ट भूमि के उपयोग के अधिकार के अर्जन का अधिकार प्राप्त किया था।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमियों में उपयोग का अधिकार जो सभी यिलगमों से मुक्त हैं, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित किया था।

और जबकि सक्रम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है कि पेट्रोलियम परिवहन के प्रयोजन के निए गुजरात राज्य में कांडला से पंजाब राज्य में भटिंडा तक उक्त भूमियों में पाइपलाइन बिलाई जा चुकी है। अतः इन भूमियों में प्रचालन की समाप्ति की जाए जिसका संभित विवरण इस अधिसूचना की संलग्न अनुसूची में विर्विष्ट किया जाता है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम, 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “प्रचालन की समाप्ति” की तारीख के रूप में उक्त अनुसूची के स्तंभ 6 में उल्लिखित तारीखों की घोषणा करती है :

अनुसूची

का.आ.सं. व तारीख	गांव का नाम	तहसील	ज़िला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6
3185	28 दिसम्बर, 1991	नानी चीरई	भचाऊ	कच्छ	08 जून, 1995
681	03 अप्रैल, 1993	नानी चीरई	भचाऊ	कच्छ	08 जून, 1995
3185	28 दिसम्बर, 1991	मोटी चीरई	भचाऊ	कच्छ	14 जून, 1995
3035	12 दिसम्बर, 1992	मोटी चीरई	भचाऊ	कच्छ	14 जून, 1995
3185	28 दिसम्बर, 1991	चोपडवा	भचाऊ	कच्छ	14 जून, 1995
3185	28 दिसम्बर, 1991	भचाऊ	भचाऊ	कच्छ	29 जून, 1995
3033	12 दिसम्बर 1992	भचाऊ	भचाऊ	कच्छ	29 जून, 1995
3033	12 दिसम्बर 1992	बोध	भचाऊ	कच्छ	03 जुलाई, 1995
3185	28 दिसम्बर, 1991	छाइबाला	भचाऊ	कच्छ	03 जुलाई, 1995
3185	28 दिसम्बर, 1991	सामख्यानी	भचाऊ	कच्छ	25 सितम्बर, 1995
3185	28 दिसम्बर, 1991	गराना	भचाऊ	कच्छ	25 सितम्बर, 1995
3185	28 दिसम्बर, 1991	लाकडिया	भचाऊ	कच्छ	25 सितम्बर, 1995
3185	28 दिसम्बर, 1991	शिवलखा	भचाऊ	कच्छ	22 जुलाई, 1995
826	21 अप्रैल, 1994	शिवलखा	भचाऊ	कच्छ	22 जुलाई, 1995
45	04 जनवरी 1992	चिंतोड	रापर	कच्छ	22 सितम्बर, 1995
45	04 जनवरी, 1992	डेडरवा	रापर	कच्छ	22 सितम्बर, 1995
682	03 अप्रैल, 1993	झेरवा	रापर	कच्छ	22 सितम्बर, 1995
45	04 जनवरी, 1992	मई	रापर	कच्छ	22 सितम्बर, 1995
45	04 जनवरी, 1992	किडियानगर	रापर	कच्छ	22 सितम्बर, 1995
2852	14 नवम्बर, 1992	किडियानगर	रापर	कच्छ	22 सितम्बर, 1995
45	04 जनवरी, 1992	बादलपर	रापर	कच्छ	22 सितम्बर, 1995
2852	14 नवम्बर, 1992	बादलपर	रापर	कच्छ	22 सितम्बर, 1995
45	04 जनवरी, 1992	छोटापर	रापर	कच्छ	22 सितम्बर, 1995

1	2	3	4	5	6
45	04 जनवरी, 1992	वैकरा	रापर	कच्छ	गुजरात 22 सितम्बर, 1995
45	04 जनवरी, 1992	भीमासर	गपर	कच्छ	गुजरात 23 सितम्बर, 1995
45	04 जनवरी, 1992	लखागढ़	रापर	कच्छ	गुजरात 23 सितम्बर, 1995
682	03 अप्रैल, 1993	लखागढ़	रापर	कच्छ	गुजरात 23 सितम्बर, 1995
682	03 अप्रैल, 1993	आडेसर	रापर	कच्छ	गुजरात 23 सितम्बर, 1995
682	03 अप्रैल, 1993	बांभनमर	रापर	कच्छ	गुजरात 23 सितम्बर, 1995
42	04 जनवरी, 1992	पीपराला	सांतलपुर	बनासकांठा	गुजरात 24 सितम्बर, 1995
42	04 जनवरी, 1992	रोजु	सांतलपुर	बनासकांठा	गुजरात 24 सितम्बर, 1995
42	04 जनवरी, 1992	गरांबडी	सांतलपुर	बनासकांठा	गुजरात 24 सितम्बर, 1995
42	04 जनवरी, 1992	सांतलपुर	सांतलपुर	बनासकांठा	गुजरात 24 सितम्बर, 1995
367	27 फरवरी, 1993	सांतलपुर	सांतलपुर	बनासकांठा	गुजरात 24 सितम्बर, 1995
42	04 जनवरी, 1992	दैगामडा	सांतलपुर	बनासकांठा	गुजरात 27 सितम्बर, 1995
369	27 फरवरी, 1993	दैगामडा	सांतलपुर	बनासकांठा	गुजरात 27 सितम्बर, 1995
42	04 जनवरी, 1992	नलीया	सांतलपुर	बनासकांठा	गुजरात 27 सितम्बर, 1995
369	27 फरवरी, 1993	नलीया	सांतलपुर	बनासकांठा	गुजरात 27 सितम्बर, 1995
42	04 जनवरी, 1992	मानपुरा	सांतलपुर	बनासकांठा	गुजरात 28 सितम्बर, 1995
42	04 जनवरी, 1992	कमालपुरा	सांतलपुर	बनासकांठा	गुजरात 28 सितम्बर, 1995
42	04 जनवरी, 1992	बाराही	सांतलपुर	बनासकांठा	गुजरात 28 सितम्बर, 1995
42	04 जनवरी, 1992	लाखापुरा	सांतलपुर	बनासकांठा	गुजरात 28 सितम्बर, 1995
42	04 जनवरी, 1992	नवागाम	सांतलपुर	बनासकांठा	गुजरात 29 सितम्बर, 1995
42	04 जनवरी, 1992	सादपुरा	सांतलपुर	बनासकांठा	गुजरात 29 सितम्बर, 1995
369	27 फरवरी, 1993	छाणसरा	सांतलपुर	बनासकांठा	गुजरात 26 सितम्बर, 1995
367	27 फरवरी, 1993	छाणसरा	सांतलपुर	बनासकांठा	गुजरात 26 सितम्बर, 1995
369	27 फरवरी, 1993	वाघपुरा	सांतलपुर	बनासकांठा	गुजरात 27 सितम्बर, 1995
369	27 फरवरी, 1993	बामणोली	सांतलपुर	बनासकांठा	गुजरात 27 सितम्बर, 1995
367	27 फरवरी, 1993	पर	सांतलपुर	बनासकांठा	गुजरात 24 सितम्बर, 1995
367	27 फरवरी, 1993	राजुसरा	सांतलपुर	बनासकांठा	गुजरात 26 सितम्बर, 1995
828	02 अप्रैल, 1994	परसुंद	सांतलपुर	बनासकांठा	गुजरात 26 सितम्बर, 1995
207	18 जनवरी, 1992	मोटी पीपली	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
207	18 जनवरी, 1992	नानी पीपली	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
207	18 जनवरी, 1992	सरकारपुरा	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
207	18 जनवरी, 1992	सातुन	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
373	27 फरवरी, 1993	सातुन	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
831	02 अप्रैल, 1994	सातुन	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
207	18 जनवरी, 1992	राधनपुर	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995
831	02 अप्रैल, 1994	राधनपुर	राधनपुर	बनासकांठा	गुजरात 30 सितम्बर, 1995

[सं. आर-31015/5/95-ओ भार-II]

के.सी. कटोच, अवार सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th February, 1996

SO. 820.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. and date, as mentioned in the Schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands specified in the Schedule appended to those notification;

And whereas in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And whereas the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transport of Petroleum from Kandla in the State of Gujarat, to Bhatinda in the State of Punjab has been laid in the said lands so the operation may be terminated in respect of the lands the description of which in brief is specified in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963 the Central Government hereby declares that the dates mentioned in column 6 of the schedule as the date of termination of operation;

SCHEDULE

S.O. No. & Date	Name of Village	Tehsil	District	State	Date of termination of operation
1	2	3	4	5	6
3185, 28th December, 1991	Nanichirai	Bhachau	Kachchh	Gujarat	8th June, 1995
681, 3rd April, 1993	Nanichirai	Bhachau	Kachchh	Gujarat	8th June, 1995
3185, 28th December, 1991	Motichirai	Bhachau	Kachchh	Gujarat	14th June, 1995
3035, 12th December, 1992	Motichirai	Bhachau	Kachchh	Gujarat	14th June, 1995
3185, 28th December, 1991	Chopadva	Bhachau	Kachchh	Gujarat	14th June, 1995
3185, 28th December, 1991	Bhachau	Bhachau	Kachchh	Gujarat	29th June, 1995
3033, 12th December, 1992	Bhachau	Bhachau	Kachchh	Gujarat	29th June, 1995
3033, 12th December, 1992	Vondh	Bhachau	Kachchh	Gujarat	3rd July, 1995
3185, 28th December, 1991	Chhadvala	Bhachau	Kachchh	Gujarat	3rd July, 1995
3185, 28th December, 1991	Samkhiali	Bhachau	Kachchh	Gujarat	25th September, 1995
3185, 28th December, 1991	Garana	Bhachau	Kachchh	Gujarat	25th September, 1995
3185, 28th December, 1991	Lakadiya	Bhachau	Kachchh	Gujarat	25th September, 1995
3185, 28th December, 1991	Shivlakha	Bhachau	Kachchh	Gujarat	22nd July, 1995
826, 21st April, 1994	Shivlakha	Bhachau	Kachchh	Gujarat	22nd July, 1995
45, 4th January, 1992	Chitrod	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Dedrva	Rapar	Kachchh	Gujarat	22nd September, 1995
682, 3rd April, 1993	Dedrva	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Sai	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Kidiyanagar	Rapar	Kachchh	Gujarat	22nd September, 1995
2852, 14th November, 1992	Kidiyanagar	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Badalpar	Rapar	Kachchh	Gujarat	22nd September, 1995
2852, 14th November, 1992	Badalpar	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Chhotapar	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Vekra	Rapar	Kachchh	Gujarat	22nd September, 1995
45, 4th January, 1992	Bhimesar	Rapar	Kachchh	Gujarat	23rd September, 1995
45, 4th January, 1992	Lakhagadh	Rapar	Kachchh	Gujarat	23rd September, 1995
682, 3rd April, 1993	Lakhagadh	Rapar	Kachchh	Gujarat	23rd September, 1995
682, 3rd April, 1993	Adeser	Rapar	Kachchh	Gujarat	23rd September, 1995
682, 3rd April, 1993	Bambhansar	Rapar	Kachchh	Gujarat	23rd September, 1995
42, 4th January, 1992	Piprala	Santalpur	Banaskantha	Gujarat	24th September, 1995
42, 4th January, 1992	Roju	Santalpur	Banaskantha	Gujarat	24th September, 1995
42, 4th January, 1992	Garambdi	Santalpur	Banaskantha	Gujarat	24th September, 1995
42, 4th January, 1992	Santalpur	Santalpur	Banaskantha	Gujarat	24th September, 1995
367, 27th February, 1993	Santalpur	Santalpur	Banaskantha	Gujarat	24th September, 1995
42, 4th January, 1992	Daigamda	Santalpur	Banaskantha	Gujarat	27th September, 1995
369, 27th February, 1993	Daigamda	Santalpur	Banaskantha	Gujarat	27th September, 1995
42, 4th January, 1992	Naliya	Santalpur	Banaskantha	Gujarat	27th September, 1995
369, 27th February, 1993	Naliya	Santalpur	Banaskantha	Gujarat	27th September, 1995
42, 4th January, 1992	Manpura	Santalpur	Banaskantha	Gujarat	28th September, 1995

1	2	3	4	5	6
42, 4th January, 1992	Kamalpura	Santalpur	Banaskantha	Gujarat	28th September, 1995
42, 4th January, 1992	Varahi	Santalpur	Banaskantha	Gujarat	28th September, 1995
42, 4th January, 1992	Lakhpura	Santalpur	Banaskantha	Gujarat	28th September, 1995
42, 4th January, 1992	Navagam	Santalpur	Banaskantha	Gujarat	29th September, 1995
42, 4th January, 1992	Sadpura	Santalpur	Banaskantha	Gujarat	29th September, 1995
369, 27th February, 1993	Chhansara	Santalpur	Banaskantha	Gujarat	26th September, 1995
367, 27th February, 1993	Chhansara	Santalpur	Banaskantha	Gujarat	26th September, 1995
369, 27th February, 1993	Vaghpura	Santalpur	Banaskantha	Gujarat	27th September, 1995
369, 27th February, 1993	Bamroli	Santalpur	Banaskantha	Gujarat	27th September, 1995
367, 27th February, 1993	Pur	Santalpur	Banaskantha	Gujarat	24th September, 1995
367, 27th February, 1993	Rajusara	Santalpur	Banaskantha	Gujarat	26th September, 1995
828, 2nd April, 1994	Pursund	Santalpur	Banaskantha	Gujarat	26th September, 1995
207, 18th January, 1992	Motipipali	Radhanpur	Banaskantha	Gujarat	30th September, 1995
207, 18th January, 1992	Nanipipali	Radhanpur	Banaskantha	Gujarat	30th September, 1995
207, 18th January, 1992	Sarkarpura	Radhanpur	Banaskantha	Gujarat	30th September, 1995
207, 18th January, 1992	Satun	Radhanpur	Banaskantha	Gujarat	30th September, 1995
373, 27th February, 1993	Satun	Radhanpur	Banaskantha	Gujarat	30th September, 1995
831, 2nd April, 1994	Satun	Radhanpur	Banaskantha	Gujarat	30th September, 1995
207, 18th January, 1992	Radhanpur	Radhanpur	Banaskantha	Gujarat	30th September, 1995
831, 2nd April, 1994	Radhanpur	Radhanpur	Banaskantha	Gujarat	30th September, 1995

[No. R-31015/5/95-O R.-I]
K.C. KATOCH, Under Secy.

नई दिल्ली, 28 फरवरी, 1996

का.आ. 821:—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 3 की उपधारा (1) के अधीन जारी की गई और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संका.आ. 787 तारीख 28-02-1995 द्वारा पेट्रोलियम के परिवहन के प्रयोजन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ अधिसूचना की संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आपण की धोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 मई, 1995 को उपलब्ध करा दी गई थीं;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दें दी है;

अंतर केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आगे यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विलंगमों से मुक्त, ईडियन ऑफल कार्पोरेशन लिमिटेड में निहित होगा।

और केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आगे यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विलंगमों से मुक्त, ईडियन ऑफल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : विरसगाम

जिला : अहमदाबाद

राज्य : गुजरात

गांव का नाम

खसरा नं.

क्षेत्रफल

हेक्टेयर आरे सेंटी आरे

1

2

3

4

5

हांसलपुर	872 945 26 28 29	0 0 0 0 0	0 0 0 4 0 0 0 0 0 2	1 6 0 0 3 2 3 2 8 8
विरसगाम	1331 1333 1357	0 0 0	0 2 0 3 0 5	2 4 8 4 1 2
बलाणा	46 6 7 64 65 144	0 0 0 0 0 0	0 0 0 1 0 3 1 4 0 0 1 0	9 6 6 0 5 2 0 0 4 0 8 8
चनोधिया	161 163	0 0	1 6 1 4	0 0 0 0
करियाला	164	0	0 2	0 0
रामपुरा	291 293 294 307 414	0 0 0 0 0	0 7 0 9 0 6 0 0 0 8	6 4 3 6 1 6 4 8 3 6
झेकावाड़ा	413 414 415 416 417 418 428 429	0 0 0 0 0 0 0 0	0 3 0 3 0 4 0 2 0 0 0 0 1 0 0 5	6 8 8 4 8 0 2 4 7 2 7 2 2 4 7 6

New Delhi, the 28th February, 1996

S.O. 821 : - Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas Vide S.O. No. 787, dated the 28th Feb., 1995 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in lands) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on 29th May, 1995;

And whereas the Competent Authority in pursuance to sub-section (1) of Section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Viramgam	District : Ahmedabad	Khasra No.	State : Gujarat		
			Hectare	Are	Centiare
1	2	3	4	5	
Hansalpur		872	0	00	16
		945	0	04	00
		26	0	00	32
		28	0	00	32
		29	0	02	88
Viramgam		1331	0	02	24
		1333	0	03	84
		1357	0	05	12
Valana		46	0	00	96
		6	0	01	60
		7	0	03	52
		64	0	14	00
		65	0	00	40
		144	0	10	88
Chanothiya		161	0	16	00
		163	0	14	00
Kariyala		164	0	02	00
Rampura		291	0	07	64
		293	0	09	36
		294	0	06	16
		307	0	00	48
		414	0	08	36
Dekawara		413	0	03	68
		414	0	03	84
		415	0	04	80
		416	0	02	24
		417	0	00	72
		418	0	00	72
		428	0	10	24
		429	10	05	76

[No. R-31015/43/93—OR-I]

K.C. KATOCH, Under Secy.

नई दिल्ली, 29 फरवरी, 1996

का. आ. 822.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में झणोर से सीपीएफ तक पेट्रोलियम के परिवहन के लिये पाइपलाइन ऑपरेटर एंड नेचुरल गैस कार्पोरेशन लिमिटेड द्वारा विभाइ जानी चाहिए।

आंद्र अतः यह प्रतीत होता है कि ऐसी लाइनों को विभाने के प्रयोजन के लिए एन्डप्लाइन ऑपरेटर में व्यापित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक घोषित किया है।

बताते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन विभाने के लिए आक्षेप सक्षम प्राधिकारी, ऑपरेटर एंड नेचुरल गैस कार्पोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, मकरसुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्टः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

झणोर से सीपीएफ तक पाइप लाइन विभाने के लिए

राज्य: गुजरात जिला एवं तालुका: भरच

भाग	ब्लॉक सं.	हे.	आर	सेंटी.
झलांदंरा	214	0	00	10
	215	0	03	90
	218	0	07	21
	219	0	00	30
	225	0	00	47
	226	0	00	72
	213	0	00	15

[म. ओ-12016/51/96 ओ एन जी-डी-IV]
एम. मार्टिन, डैम्प अधिकारी

New Delhi, the 29th February, 1996

S. O. 822 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State, pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Comptent Authority, Oil and Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be hear in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF.

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec-tare	Arc	Centi-are
1	2	3	4	5
Saladra	214	0	00	10
	215	0	03	90
	218	0	07	21
	219	0	00	30
	225	0	00	47
	226	0	00	72
	213	0	00	15

[No. O-12016/51/96—ONG.D IV]
M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 823.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित ने यह आवश्यक है कि गुजरात राज्य में झणोर से सीपीएफ तक पेट्रोलियम के परिवहन के लिये पाइपलाइन ऑपरेटर एंड नेचुरल गैस कार्पोरेशन लिमिटेड द्वारा विभाइ जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को विभाने के प्रयोजन के लिए एन्डप्लाइन ऑपरेटर में व्यापित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक घोषित किया है।

बताते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन विभाने के लिए आक्षेप सक्षम प्राधिकारी, ऑपरेटर एंड नेचुरल गैस कार्पोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, मकरसुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्टः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुमति

ज़ानोर रो गोपीगांव तथा पाइपलाइन विद्युत के लिए

राज्य: गुजरात

ज़िला एवं तालुकः भरुच

गांव	ब्लॉक सं.	हे.	आर	सेन्टी
1	2	3	4	5
ट्राल्सा	332/ए	0	01	20
	332/बी	0	03	75
	333	0	04	75
	338	0	01	25
	606	0	02	00
	702	0	03	75
	705	0	02	50
	707	0	02	90
	721	0	03	00
	722	0	05	00
	345	0	03	30
	346	0	06	10
	349/ए	0	01	35
	349/बी	0	07	40
	350	0	02	10
	360/ए	0	00	80
	360/बी	0	04	00
	363	0	03	60
		0	04	00
	365	0	03	15
	367/ए	0	03	30
	370	0	02	10
	764	0	03	90
	767	0	10	00
	772	0	06	00
	850	0	09	25
	859	0	03	00
	860	0	06	75
	862/ए	0	00	50
	862/बी	0	04	00
	869	0	03	00
	870	0	04	60
	728/ए	0	03	40

[सं. ओ-12016/52/96 ओ एन जी-डी-IV]
प्रम. मार्टिन, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S. O. 823.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed here to ;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares it's intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd. Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be hear in persons or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District and Taluk : : Bharuch

Village	Block No.	Hec-tare	Arc	Centi-metre
1	2	3	4	5
Tralsa	332/A	0	01	20
	332/B	0	03	75
	333	0	04	75
	338	0	01	25
	606	0	02	00
	702	0	03	75
	705	0	02	50
	707	0	02	90
	721	0	03	00
	722	0	05	00
	345	0	03	30
	346	0	06	10
	349/A	0	01	35
	349/B	0	07	40
	350	0	02	10
	360/A	0	00	80
	360/B	0	04	00
	363	0	03	60
		0	04	00
	365	0	03	15
	367/A	0	03	30
	370	0	02	10
	764	0	03	90
	767	0	10	00
	772	0	06	00
	850	0	09	25
	859	0	03	00
	860	0	06	75
	862/A	0	00	50
	862/B	0	04	00
	869	0	03	00
	870	0	04	60
	728/A	0	03	40

[No. O—12016/52/96—ONG.D IV]
M. MARTIN, Desk Officer

गर्द दिल्ली, 29 फरवरी, 1996

कांग्रेस, ४२१-०० यन: केंद्रीय मरकार थो का प्रतीत होता है कि नोकरियों में यह आवश्यक है कि गुजरात राज्य में खांडोर से सीधीपाल तक पेट्रोलियम के परिवहन के लिये पाइपलाइन औंग्रेज एंड नेचरल गैस कार्पोरेशन लिमिटेड द्वारा बिल्डर्स जारी चालिश।

और आनं यह प्रतीत होता है कि गेंभी लाइनों को विद्युत के प्रयोगने के लिए प्रत्यापद्वय अन्सूची में योग्यता भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अन्. अब नेश्वलियम और चार्ज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपचारा द्वारा प्रदल शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार ने उसमें उपयोग का अधिक अंतिम करने का प्रयत्न आशय प्रस्तुताग्रह घोषित किया है।

बेशन कि उक्त भूमि में शितव्यावृ कोई व्याप्ति उन भूमि के नीचे पाइय आहत विद्युतों के लिए आधारप सक्षम प्राधिकारी, वाँयन गढ़ नेतृत्व गैर कारपोरेशन लिमिटेड, निर्माण और ईश्वरभाल प्रभाग, मकारपुरा गोड, बुद्धीदा-९ द्वारा हुए अधिगच्छन की तारीख से 21 दिनों के भीतर कर सकेगा।

और ये आपेक्षा करने वाला भ्रम व्यक्ति विनिर्दित तथा यह भी कथन करेगा कि वहां यह बहु चाहता है कि इसकी मुनवाई व्यक्तिगत रूप में हो या अपनी विधि द्वारा ही पीछा की जाए।

અનુસૂચી

झणोर में सी गी एक तक पाहुप लाइन विद्युति के लिए

जिला एवं नालका: भूम्बन्ध

गांव	ब्लॉक सं.	हे.	प्रार.	सेन्टी
बंगुसर	141	0	04	20
	151	0	02	50
	152	0	01	00
	153	0	00	60
	154	0	00	60
	155	0	03	15
	164	0	01	50
	165	0	00	60
	166	0	01	20
	167	0	02	10
	168	0	01	65
	179	0	03	15
	180	0	03	75
	181	0	02	40
	183	0	03	00
	184	0	03	90
	185	0	08	00
	115	0	01	89
	116	0	02	97
	119	0	01	78
	120	0	01	32
	121	0	02	37
	122	0	01	80
	123	0	03	81
	131	0	02	64
	132	0	02	28
	130	0	00	45
	133	0	03	12
	134	0	01	50
	142	0	04	02

New Delhi, 29 February, 1996

S.O. 824 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed here to :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares it's intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd. Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in persons or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District and Taluka : Bharuch

Village	Block No.	Hec-tare	Arc	Cen-taire
Bambusar	141	0	04	20
	151	0	02	50
	152	0	01	00
	153	0	00	60
	154	0	00	60
	155	0	03	15
	164	0	01	50
	165	0	00	60
	166	0	01	20
	167	0	02	10
	168	0	01	65
	179	0	03	15
	180	0	03	75
	181	0	02	40
	183	0	03	00
	184	0	03	90
	185	0	08	00
	115	0	01	89
	116	0	02	97
	119	0	01	78
	120	0	01	32
	121	0	02	37
	122	0	01	80
	123	0	03	81
	131	0	02	64
	132	0	02	28
	130	0	00	45
	133	0	03	12
	134	0	01	50
	142	0	04	02

[मे. ओ-12016/53/96 ओ एन जी-डी-IV]
एम. मार्टिन, डस्क अधिकारी

[No. O-12016/53/96-ONG.D IV]
M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

1	2	3	4	5
	395	0	04	25
	400	0	04	30
	312	0	13	00

का. आ. 825 :—यह केंद्रीय नरकार को यह प्रतीत होता है कि नोकहिं में यह प्रावधान है कि गुजरात राज्य में सांपीएफ तक नेट्रोलियम के परिवहन के लिये पाइपलाइन प्रावधान एंड नेचुरल गैस कार्बोरेशन लिमिटेड द्वारा बिलाई जाने जाहिए।

और यह यह प्रतीत होता है कि ऐसी वाहनों को विछाने के प्रयोजन के लिए एतदपावद अनुमति में विगत भूमि में उपयोग का अधिकार अर्जित करना प्रावधान है।

अतः अब, नेट्रोलियम और खनिय पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) प्रधानियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय नरकार ने उसमें उपयोग का अधिकार अर्जित करने का प्रयत्न प्रावधान एतद्वारा घोषित किया है।

वर्तमान के उक्त भूमि में हिंदुबढ़ कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आवेदन मांगा प्राविकारी, और यह एंड नेचुरल गैस कार्बोरेशन लिमिटेड, निर्वाचन और देखाना प्रभाग, मकान पुरा रोड, वडोदरा-७ को इस परियुक्ति को नारंग से 21 दिनों के भीतर कर सकता।

और ऐसा अधिक करने वाला हर व्यक्ति विनिर्दिष्ट है कि उसकी सुनवाई व्यक्तिगत रूप से ही या किसी पर्याप्त व्यक्तियों के मार्फत।

अनुमति

प्रयोग में सांपीएफ तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला एवं तालुका : भरच

गांव	इलाका सं.	हे.	मार	सेटी.
झणोर	53	0	05	00
	54	0	01	00
	55	0	02	40
	56	0	03	60
	58	0	03	00
	59	0	01	65
	60	0	00	50
	83	0	03	30
	88	0	05	00
	87	0	02	40
	249	0	01	50
	250	0	06	00
	251	0	00	60
	252	0	00	50
	253	0	00	86
	254	0	02	50
	255	0	06	00
	319	0	03	00
	334	0	01	80
	338	0	04	25
	353	0	08	75
	354	0	04	60
	385	0	04	00
	392	0	03	90
	394	0	01	20

[सं. नं. 12016/34/96 दो. ४; जो बी-४]
एम. मार्टिन, ईम्प्रेस अधिकारी

New Delhi, the 29th February, 1996

S.O. 825.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ZANOR to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.,

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therin:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd., Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec-tare	Are	Centiare
Zanor	53	0	05	00
	54	0	01	00
	55	0	02	40
	56	0	03	60
	58	0	03	00
	59	0	01	65
	60	0	00	5
	83	0	03	30
	88	0	05	00
	87	0	02	40
	249	0	01	50
	250	0	06	00
	251	0	00	60
	252	0	00	50
	253	0	00	86
	254	0	02	50
	255	0	06	00
	319	0	03	00
	334	0	01	80
	338	0	04	25
	353	0	08	75
	354	0	04	60
	388	0	04	00

1	2	3	4	5
	392	0	03	90
	394	0	01	20
	395	0	04	25
	400	0	04	80
	312	0	13	00

[No. O-12016/54/96—ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 826 :—यत्केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-स्थित में यह आवश्यक है कि गुजरात राज्य में झणोर से सीपीएफ तक पेट्रो-लियम के परिवहन के लिए पाइपलाइन आयल एंड नेटवर्क गैस कारपोरेशन लिमिटेड द्वारा विकार्त्त जानी आवश्यक है।

और अतः यह प्रतीत होता है कि ऐसी लाहनों को बिछाने के प्रयोगन के लिए एतद्वावद्व अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः यदि पेट्रोलियम और अनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50 की शासा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हिनवद्व कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समझ प्राप्तिकारी, आधल एंड नेटवर्क गैस कारपोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बद्दोदा-१-९ को इस अधिसूचना की तारीख से 21 दिनों के सीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी क्यन करेगा कि क्या वह यह जाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

झणोर से सीपीएफ तक पाइप लाइन विधाने के लिए

राज्य : गुजरात जिला पट्टनामा तालुका — भरचू

गांव	स्थान सं.	हे.	मार.	सेत्ती
1	2	3	4	5
बदावरा	570	0	02	00
	571	0	04	50
	590	0	01	80
	591	0	02	00
	594	0	04	20
	599	0	04	80
	755	0	07	45
	768	0	00	40
	569	0	03	48
	770	0	01	00
	771	0	01	10
	772	0	00	60
	773	0	01	35
	775	0	01	40
	778	0	00	75
	891	0	01	00
	892	0	01	00
	893	0	01	10
	894	0	01	20
	895	0	01	75
	896	0	01	05

[सं. ओ—12016/55/96—ओ एन जी—सी-४]

प्रम. मार्टिन, डैम्स अधिकारी

New Delhi, the 29th Feb., 1996

S. O. 826 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ZANOR to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares it's intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd., Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec-tare	Are	Cen-tiare
Dayadara	570	0	02	00
	571	0	04	50
	590	0	01	80
	591	0	02	00
	594	0	04	20
	599	0	04	80
	755	0	07	45
	768	0	00	40
	569	0	03	48
	770	0	01	00
	771	0	01	10
	772	0	00	60
	773	0	01	35
	775	0	01	40
	778	0	00	75
	891	0	01	00
	892	0	01	00
	893	0	01	10
	894	0	01	20
	895	0	01	75
	896	0	01	05

[No. O-12016/55/96-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 827.—यत्केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में झणोर से सीपीएफ तक पेट्रो-लियम के परिवहन के लिए पाइपलाइन आयल एंड नेटवर्क गैस कारपोरेशन लिमिटेड द्वारा विकार्त्त जानी चाहिए।

और अब: यह प्रतीत होता है कि देसी चाउलों को लिया जाना गांगा के लिए एवं दूसरा अनुसूची में विभिन्न भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अब: अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपयात्रा (1) द्वारा प्रदत्त प्रतिक्रिया का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध कोई अप्रिय उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझ आधिकारी, आयल एंड नेचरल गैस कार्पोरेशन लिमिटेड निर्माण और देवभाल प्रभाव, मकरसुरा रोड, बड़ीदा - 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर अप्रिय विनियिक्त: यह भी कथन करेगा कि क्या यह वह जाहाज है कि उसकी सुनवाई अप्रियता रूप में हो या किसी विधि व्यवसायी की माफत।

अनुसूची

झणोर से सोनाएक तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला एवं तालुका - भहव

गांव	ब्लाक सं.	हे.	आर.	सेन्टी
1	2	3	4	
झंगार	146	0	01	00
	147	0	00	90
	153	0	01	80
	154	0	01	65
	167	0	01	29
	168	0	00	60
	169	0	00	72
	129	0	02	15
	130	0	01	00
	132	0	01	50
	133	0	01	41
	134	0	00	81
	135	0	02	19
	145	0	04	00

[सं. ओ - 12016/56/96 - ओ एन जी - डी-4]
एम. मार्टिन, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 827.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ZANOR to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed here to;

Now therefore, in exercise of the powers conferred by subsection (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in persons or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec-tare	Are	Centi-are
Jhangar	146	0	01	00
	147	0	00	90
	153	0	01	80
	154	0	01	65
	167	0	01	29
	168	0	00	60
	169	0	00	72
	129	0	02	15
	130	0	01	00
	132	0	01	50
	133	0	01	41
	134	0	00	81
	135	0	02	19
	145	0	04	00

[No. O-12016/56/96-ONG.D-IV]

M. MARTIN, Desk Officer

नई विल्डी, 29 फरवरी, 1996

का. प्रा. 828:- यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में झणोर से सोनाएक तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एंड नेचरल गैस कार्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अब: यह प्रतीत होता है कि देसी नदियों को बिछाने के प्रयोगन के लिए एवं दूसरा अनुसूची में विभिन्न भूमि में उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

अब: अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपयात्रा (1) द्वारा प्रदत्त प्रतिक्रिया का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध कोई अप्रिय उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझ आधिकारी, आयल एंड नेचरल गैस कार्पोरेशन लिमिटेड निर्माण और देवभाल प्रभाव, मकरसुरा रोड, बड़ीदा-9 को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर अप्रिय विनियिक्त द्वारा यह जाहाज है कि उक्त का सुनवाई अप्रियता रूप से हो या किसी विधि व्यवसायी की माफत।

प्रत्यक्षी

झणोर से सीपीएफ तक पाइपलाइन बिलाने के लिए
राज्य — गुजरात जिला—भरुच तालुका — वागरा

शंख	ब्लॉक नं.	हेक्टर	आर.	सेक्टरों
1	2	3	4	5
अंकोट	176	0	01	80
	177	0	00	50
	178 ए	0	01	05
	178 बी/2	0	05	00
	181	0	01	88
	182	0	03	00
	222	0	03	00
	223	0	00	75
	224	0	03	10
	225	0	01	00
	17	0	07	00
	18	0	01	50
	28	0	08	00
	29	0	03	90
	31	0	04	00
	33	0	04	25
	213	0	04	50
	216	0	03	90
	226	0	01	00
	34	0	01	20
	35	0	03	90
	38	0	04	00
	41	0	05	10
	43	0	03	60
	156	0	01	90
	157	0	04	50
	165	0	02	40
	166	0	04	20
	167	0	02	50
	170	0	06	40
	183	0	04	50

[सं. ओ - 12016/57/96-ओ प्रन. ओ - 4]
एम. मार्टिन, हेक्स अधिकारी

New Delhi, the 29th February, 1996

S. O. 828.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ZANOR to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therin:

Provided that any person interested in the said land may object within 21 days from the date of this notification to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be hear in persons or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Area	Centi-are
1	2	3	4	5
Ankot	176	0	01	80
	177	0	00	50
	178/A	0	01	05
	178/B/2	0	05	00
	181	?	01	88
	182	0	03	00
	222	0	03	00
	223	0	00	75
	224	0	03	10
	225	0	01	00
	17	0	07	00
	18	0	01	50
	28	0	08	00
	29	0	03	90
	31	0	04	00
	33	0	04	25
	213	0	04	50
	216	0	03	90
	226	0	01	00
	34	0	01	20
	35	0	03	90
	38	0	04	00
	41	0	05	10
	43	0	03	60
	156	0	01	90
	157	0	04	50
	165	0	02	40
	166	0	04	20
	167	0	02	50
	170	0	06	40
	183	0	04	50

[No. O-12016/57/96-ONG. D-IV]

M. MARTIN, Desk Officer

नई विलासी, 29 फरवरी, 1996

का. आ. 829 :—यह केन्द्रीय सरकार को यह प्रतीत होता है कि सोक-स्ट्रिंग में यह आवश्यक है कि गुजरात राज्य में झणोर से सीपीएफ तक पेट्रो-लियम के परिवहन के लिए पाइपलाइन आयल एंड मेचुरल गैस कारपोरेशन सिमिटेक द्वारा बिलाई जानी आवश्यक है।

और यह: यह प्रतीत होता है कि ऐसी भाइमों को बिलाने के प्रयोग के लिए एकदमावद्ध अक्षुर्ची में वर्णित भूमि में उपयोग का अधिकार प्रतिरक्षित रखा आवश्यक है।

अतः प्रब ऐंट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्य एवं विद्वान् घोषित किया है।

वर्णने कि उक्त भूमि में हितशुद्ध कोई व्यक्ति उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, प्रायल एंड नेचुरल गैस कार्पोरेशन लिमिटेड निर्माण और देवखाल प्रभाग, मकारपुरा रोड, बडोदा-9 को इस अधिसूचना की लारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनियिष्टतः यह भी कथन करेगा कि क्या यह वह आहता है कि उसकी मुनाखाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

मनुसूची

क्षणोर से सीपीएफ तक पाईप लाइन बिछाने के लिए।

राज्य - गुजरात जिला एवं तालुका - भरच

गांव	ब्लॉक सं.	हे.	प्रार.	सेन्टी
नबीपुर	708	0	0 4	50
	730	0	0 3	00
	731	0	0 3	00
	761	0	0 3	00
	762	0	0 3	00
	771	0	0 2	25
	773	0	0 1	00
805/पी	0	0 1	40	
626	0	0 2	75	
627	0	0 4	25	
641	0	0 2	40	
644	0	0 1	10	
645	0	0 4	50	
658	0	0 3	00	
680	0	0 2	25	
682	0	0 4	50	
683	0	0 0	15	
776	0	0 2	75	
777	0	0 1	50	
781	0	0 1	40	
782	0	0 1	20	
784	0	0 1	05	
785	0	0 1	10	
789	0	0 1	00	
790	0	0 0	70	
793	0	0 0	60	
799	0	0 0	75	

[सं. ओ - 12016/58/96 - ओ एन जी-डी-4]
एम. मार्टिन, ईस्क अधिकारी

Now Therefore in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user thereon:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF.

State : Gujarat District and Taluka : Bharuch

Village	Block No.	Hec-tare	Arc-tare	Con-tiare
1	2	3	4	5
Nabipur	708	0	0 4	50
	730	0	0 3	00
	731	0	0 3	00
	761	0	0 3	00
	762	0	0 3	00
	771	0	0 2	25
	773	0	0 1	00
805/P	0	0 1	40	
626	0	0 2	75	
627	0	0 4	25	
641	0	0 2	40	
644	0	0 1	10	
645	0	0 4	50	
658	0	0 3	00	
680	0	0 2	25	
682	0	0 4	50	
683	0	0 0	15	
776	0	0 2	75	
777	0	0 1	50	
781	0	0 1	40	
782	0	0 1	20	
784	0	0 1	05	
785	0	0 1	10	
789	0	0 1	00	
790	0	0 0	70	
795	0	0 0	60	
799	0	0 0	75	

[No. 0-12016/58/96-ONG. D IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 29 फरवरी, 1996

S. O. 829.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ZANOR to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And Whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto : -

का. आ. 830.—यह केंद्रीय सरकार को यह प्रतीत होता है कि भारत हित में यह आवश्यक है कि गुजरात राज्य में क्षणोर से सीपीएफ तक पेट्रोलियम के परिवहन के लिए पाइपलाइन अपार एंड नेचुरल गैस कार्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोगन के लिए एनवेन्यूओएफ ग्रन्युसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का पर्यावरण प्रधानियम, 1962 (1962 का 50) की धारा 3 की उपचारा (1) द्वारा प्रवर्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अधिकृत करने का अपना आवाय एतत्वादा घोषित किया है।

बास्तें कि उक्त भूमि में हितबद्ध कोई अधिक उस भूमि के नीचे पाई पाइन विभाने के लिए आवेदन संघर्ष प्राधिकारी, आयल एंड नेकुल गैस कारपोरेशन लिमिटेड निर्माण और देववाल प्रभाग, मकरुरा रोड, बर्डीया-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर अधिक विनिर्विष्टतः यह भी कथन करेगा कि वह वह यह चाहता है कि उसकी सुनवाई अधिकार रूप से हो या किसी विधि अवधारी की माफत।

अनुसूची

झांगोर से सीपीएफ तक पाई पाइन विभाने के लिए।

संघ — गुजरात जिला भरव तालुका — वामरा

गाँव	ब्लॉक सं.	हे.	धारा.	सेंटी
1	2	3	4	5
झांगोर	212	0	01	00
	207	0	01	10
	187	0	02	85
	200	0	03	90
	275	0	02	40
	291	0	01	65
	290	0	01	04
	278	0	00	10
	279	0	02	46
	286	0	04	54
	287/बी	0	09	84
	9	0	01	53
	294	0	01	95
	10	0	03	15
	12	0	04	86

[मे. अ - 12016/59/96 - ओ एन जी-डी - 4]

एम मार्टिन, डंस्क अधिकारी

New Delhi, the 29th February, 1996

S. O. 831.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline. It is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (30 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the Land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara 390 009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centi- tare
1	2	3	4	5
Sachan	212	0	01	00
	207	0	01	10
	197	0	02	85
	200	0	03	90
	275	0	02	40
	291	0	01	65
	290	0	01	04
	278	0	00	10
	279	0	02	46
	286	0	04	54
	287/B	0	09	84
	9	0	01	53
	294	0	01	95
	10	0	03	15
	12	0	04	86

[No. O-12016/59/96-ONG.D-IV]
M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. अ. 831.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में यह आवश्यक है कि गुजरात राज्य में झांगोर से सीपीएफ तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एंड नेकुल गैस कारपोरेशन लिमिटेड द्वारा घिराई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतत्पावड़ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अधिकृत करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का पर्यावरण प्रधानियम, 1962 (1962 का 50) की धारा 3 की उपचारा (1) द्वारा प्रवर्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अधिकृत करने का अपना आवाय एतत्वादा घोषित किया है।

बास्तें कि उक्त भूमि में हितबद्ध कोई अधिक उस भूमि के नीचे पाई पाइन विभाने के लिए आवेदन संघर्ष प्राधिकारी, आयल एंड नेकुल गैस कारपोरेशन लिमिटेड निर्माण और देववाल प्रभाग, मकरुरा रोड, बर्डीया-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

आर ऐसा आवेदन करने वाला हर अधिक विनिर्विष्टतः यह भी कथन करेगा कि वह यह चाहता है कि उसकी सुनवाई अधिकार रूप से हो या किसी विधि अवधारी की माफत।

प्रनुस्त्री

स्थान से सी और एक तक पाइपलाइन बिछाने के लिए
राज्य - गुजरात जिला - भरुच तालुका - वागरा

गांव	ब्लॉक सं.	हेक्टर	आर.	सेन्टी
1	2	3	4	5
पहाज	448	0	00	60
	449	0	04	20
	462	0	03	40
	465	0	05	00
	474/ए	0	03	30
	474/श्री	0	01	80
	475	0	02	50
	499	0	04	00
	500	0	04	25
	502	0	02	60
	416	0	02	50
	423	0	03	50
	427	0	01	80
	428	0	01	70
	433	0	00	30
	434	0	01	80
	442/ए	0	01	00
	443	0	02	25
	36	0	08	00
	38	0	07	50
	748	0	02	70
	749	0	06	75
	750	0	02	50
	775	0	10	00
	777	0	05	40
	778	0	02	00
	511	0	02	00
	512	0	01	00
	514	0	03	15
	516	0	04	00
	518	0	01	10

[सं. ओ - 12016/60/96 - ओ एन जी ई - 4]
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 29th February, 1996

S. O. 831.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zancor to CPF in Gujarat State, pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centi-tare	1	2	3	4	5
Pahaj	448	0	00	60					
	449	0	04	20					
	462	0	03	40					
	465	0	05	00					
	474/A	0	03	30					
	474/B	0	01	80					
	475	0	02	50					
	499	0	04	00					
	500	9	04	25					
	502	0	02	60					
	416	0	02	50					
	423	0	03	50					
	427	0	01	80					
	428	0	01	70					
	433	0	00	30					
	434	0	01	80					
	442/A	0	01	00					
	443	0	02	25					
	36	0	08	00					
	38	0	07	50					
	748	0	02	70					
	749	0	06	75					
	750	0	02	50					
	775	0	10	00					
	777	0	05	40					
	778	0	02	00					
	511	0	02	00					
	512	0	01	00					
	514	0	03	15					
	516	0	04	00					
	518	0	01	10					

[No. O-12016/60/76-ONG.D -IV]
M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. ओ. 832.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में स्थान से सी और एक तक पेट्रोलियम के परिवहन के लिये पाइपलाइन आयत एण्ड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और यह प्रतीत होता है कि ऐसी साईंसों को बिछाने के प्रयोजन के लिए एतद्वादुष प्रनुस्त्री में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अत. यह पेट्रोलियम और अन्य पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा

द्वारा प्रवर्त्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतव्यारा घोषित किया है;

वर्तमें कि उस भूमि में हितबद्ध कोई अधिकत उस भूमि के नीचे पाईपलाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयत एण्ड नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और देवभाल प्रभाग, मकारपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर अधिकत विनिर्दिष्टतः यह भी कथन करेगा कि वह यह यह चाहता है कि उसको मुनावाई अधिकारान कर्त ने हो या किसी विधि अवधारणी को मार्फत।

अनुसूची ।

झणोर से भी पी एक तक पाईप लाईन बिछाने के लिए

राज्य : गुजरात जिला एवं तालूका : भरचु

गांव	ब्लॉक सं	हे.	भार.	सं.
हिंगला	403	0	02	10
	404/ए-बी	0	02	55
	411	0	03	00
	414	0	03	25
	415	0	02	70
	416	0	06	00
	422	0	02	25
	426	0	02	00
	427	0	03	40
	279	0	02	00
	280	0	00	30
	281	0	00	50
	282	0	00	80
	284	0	00	80
	302	0	01	20
	303	0	01	50
	304	0	00	25
	305	0	01	50
	306	0	01	20
		0	01	20
	307	0	02	70
	88	00	00	45

[म. ओ-12016/61/96 औ एम. जी. थी.-IV]
एम. मार्टिन, डैक्स अधिकारी

New Delhi, the 29th February, 1996

S. O. 833.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara 390 009;

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec-tare				Centi- tiare
		1	2	3	4	
Hingalla	403	0	02	10		
	404/A-B	0	02	55		
	411	0	03	00		
	414	0	03	25		
	415	0	02	70		
	416	0	06	00		
	422	0	02	25		
	426	0	02	00		
	427	0	03	40		
	279	0	02	00		
	280	0	00	30		
	281	0	00	50		
	282	0	00	80		
	284	0	00	80		
	302	0	01	20		
	303	0	01	50		
	304	0	00	25		
	305	0	01	50		
	306	0	01	20		
		0	01	20		
	307	0	02	70		
	88	00	00	45		

[No. O-12016/61/96-ONG.D IV]
M. MARTIN, Desk Officer

नहै बिल्ली, 29 फरवरी, 1996

का, आ, 833—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह भावशक है कि गुजरात राज्य में भाणीर से सी पी एक तक पेट्रोलियम के परिवहन के लिये पाईपलाईन आयत एण्ड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और भतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोग के लिए एतद्वाबद्ध अनुसूचि में घण्टित भूमि में उपयोग का अधिकार अर्जित करने का अपना आशय एतव्यारा घोषित किया है;

अतः भव पेट्रोलियम और खजिन पाईपलाईन भूमि में उपयोग के अधिकार का अर्जित अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रश्न शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतव्यारा घोषित किया है;

वर्तमें कि उस भूमि में हितबद्ध कोई अधिकत उस भूमि के नीचे पाईपलाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयत एण्ड नेचुरल गैस कारपोरेशन लिमिटेड, निर्माण और देवभाल प्रभाग, मकारपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और देश में ले करने वाला हर व्यक्ति विनिविष्ट है कि यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की भाँपन।

अनुसूची

शरणार म नी पी एक तरु पाइपलाइन विधान के लिए।

राज्य : गुजरात जिला भरुच तालुका : वाराग

गंधि	ब्लॉक	क्र.	आर	गे.
	सं०			
अरगामा	55	0	03	75
	56	0	02	25
	60	0	04	20
	243	0	01	35
	244	0	01	80
	246	0	01	80
	248	0	01	65
	249	0	01	74
	252	0	03	33
	253	0	03	66
	254	0	02	31
	43	0	05	00
	46	0	02	00
	47	0	00	80
	48	0	01	00
	49	0	01	50
	50	0	00	50
	51	0	03	25
	52	0	02	85
	69	0	02	65
	70	0	00	30
	207	0	02	35
	218	0	00	10
	219	0	04	65
	227	0	01	65
	228	0	03	30
	233	0	06	30
	234	0	01	62
	237	0	01	05
	239	0	00	85
	240	0	00	15

[सं. ओ - 12016/62/96 औ एन जी ओ - IV]
एम. मार्टिन, ईम्प क्रधिकारी

New Delhi, the 29th February, 1996

S.O. 833.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline. It is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 546 GI/96—5

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd., Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objections shall also state specifically whether he wished to be heard in persons or by legal Practitioner.

SCHEDULE

State : Gujarat	District : Bharuch	Taluka : Vagra		
Village	Block No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Argama	55	0	03	75
	56	0	02	25
	60	0	04	20
	243	0	01	35
	244	0	01	80
	246	0	01	80
	248	0	01	65
	249	0	01	74
	252	0	03	33
	253	0	03	66
	254	0	02	31
	43	0	05	00
	46	0	02	00
	47	0	00	80
	48	0	01	00
	49	0	01	50
	50	0	00	50
	51	0	03	25
	52	0	02	85
	69	0	02	60
	70	0	00	30
	207	0	02	35
	218	0	00	10
	219	0	04	65
	227	0	01	65
	228	0	03	30
	233	0	06	30
	234	0	01	62
	237	0	01	05
	239	0	00	85
	240	0	00	15

[No. O-12016/62/96-ONG.D IV]
M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. --- 834—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सांपरे से संपीड़िक तरफ पेट्रोलियम के परिवहन के लिए पाइपलाइन आवश्यक है एवं नेचुरल गैस कारोबोरेशन लिमिटेड द्वारा विद्युती जानी चाहिए।

और यह प्रतीत होता है कि ऐसी जाइनों को विभाजन के प्रयोजन के लिए एतदप्रदद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः इष्ट पेट्रोलियम और खनियां पाइपलाइन (भूमि में उपयोग के अधिकार का प्रजेन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक एवं द्वारा अधिकार किया है।

बाणी कि उक्त भूमि में हिन्दूद्वारा कोई अधिक उक्त भूमि के निवे पार्श्व-लाइन विभाने के लिये आवश्यक सदस्य प्राधिकारी, आवश्यक एवं नेचुरल गैस कालोरेंज निमिटेड, निर्वाच आर देवभाल प्रमाण मकारपुरा गोड, बड़ीरा-9 की इत अधिवृचता को तारोंद से 21 दिनों के अंतर कर सकेगा।

श्री देसा आवश्यक करने वाला हर व्यक्ति विनिर्दिष्ट: महार्षी कथन करेगा कि क्या यह अवृचता है कि उसको मुनदाई अविनियम रूप से हो या किसी विधि व्यवस्थापी की मार्फत।

अनुसूची

स्थान से सीं पी एक तक पाइप लाइन विभाने के लिए।
राज्य : गुजरात जिला एवं तालुका : भरुच

गांव	जातक सं०	हे.	मार	मे.
समनोद	285	0	00	75
	286	0	02	50
	287	0	02	00
	293	0	00	60
	296	0	04	00
	297	0	05	30
	298	0	02	70
374/ए	0	07	50	
375	0	04	83	
248	0	06	75	
249	0	05	00	
251	0	06	50	
252	0	03	31	
294	0	03	75	
314	0	04	00	
315	0	05	50	
326	0	05	70	
329	0	01	00	
396	0	00	75	
397	0	03	15	
398	0	05	00	
399	0	03	18	
417	0	04	71	
421	0	04	00	

[सं. ओ- 12016/63/96-ओ. एन. जी. शी IV]

एम. मार्टिन, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 834.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline. It is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd., Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec-tare	Acre	Centi-are
1	2	3	4	5
Samlod	285	0	00	75
	286	0	02	50
	287	0	02	00
	293	0	00	60
	296	0	04	00
	297	0	05	30
	298	0	02	70
	374/A	0	07	50
	375	0	04	83
	248	0	06	75
	247	0	05	00
	251	0	06	50
	252	0	03	31
	294	0	03	75
	314	0	04	00
	315	0	05	50
	326	0	05	70
	329	0	01	00
	396	0	00	75
	397	0	03	15
	398	0	05	00
	399	0	03	18
	417	0	04	71
	421	0	04	00

[No.O-12016/63/96-ONG.D IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 835.—यतः केन्द्रीय सरकार यो यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सणीर ने सीं पी एक तक पेट्रोलियम के परिवहन के लिये पाइपलाइन आवश्यक एवं नेचुरल गैस कार्पोरेशन निमिटेड द्वारा विभार्ड जानी चाहिए। और यह प्रतीत होता है कि ऐसी लाईनों को विभाने के प्रयोजन के लिए एक्सप्रेस अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

प्रतः आम पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग का अधिकार का प्रयोजन) 1962 (1962 का 50) की धारा 3 की उपचार द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक एवं द्वारा अधिकृत किया है।

वर्णन कि उक्त स्थिति में हितवद्ध कोई अधिकतम उमा स्थिति के नीचे पाई प्राप्ति नाइन बिलाने के लिए ध्वनीय संस्था प्राधिकारी, आप्ति एवं नेवरल गैस कार्पोरेशन लिमिटेड, निर्माण और देवसात्र प्रबन्ध, मकरपुरा रोड, बड़ोडा-२ को इस अधिकृतन की तारीख से 21 दिनों के भातर कर सकेगा।

ओर यह आवेदन करने वाला हर अधिकारी विनिविष्ट: यह भी कवत करेगा कि क्या वह चाहता है कि उम्मीद मुनवाई अधिकारा रूप में हो या फिर फिर वापसी का मर्दा।

अनुसूची

मण्डर में सी पी एक तक पाई प्राप्ति नाइन बिलाने के लिए।

राज्य-गुजरात	ज़िला : भारच	तालुका : आमोद	गांव	लालक नं	हे.	आर	मे.
रोजाटकारिया			876		0	05	25
			877		0	04	15
			879		0	04	25
			882		0	04	70
			891		0	06	75
			892		0	06	00
			915		0	02	70
			1095		0	02	50
			1098		0	04	00
			1099		0	45	10
			1180		0	04	35
			1179		0	04	75
			1170		0	03	15
			1183		0	08	50
			1184		0	07	20
			1195		0	01	20
			919		0	03	90
			984		0	02	30
			985		0	03	50
			990		0	03	50
			1002		0	03	90
			1100		0	03	50
			1101		0	00	50
			1102		0	01	50
			1103		0	03	30
			1003		0	45	00

[सं. नं. 12016/64/96-भी एन जी-डी-IV]
प्रम. मार्टिन, डेस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 835.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, It is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd., Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wished to be heard in persons or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hec-tare	Are	Centi- tiare
1	2	3	4	5
Rozatankaria	876	0	05	25
	877	0	03	15
	879	0	04	25
	882	0	04	70
	891	0	05	75
	892	0	06	00
	915	0	02	70
	1095	0	02	50
	1098	0	04	00
	1099	0	45	10
	1180	0	04	35
	1179	0	04	75
	1170	0	03	15
	1183	0	08	50
	1184	0	07	20
	1195	0	01	20
	919	0	03	90
	984	0	02	30
	985	0	03	50
	990	0	03	50
	1002	0	03	90
	1100	0	00	50
	1101	0	01	50
	1102	0	01	50
	1103	0	03	30
	1003	0	45	00

[No. O-12016/64/ONG.D. IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

पा. ना. 830.—यह : ईंधीय सरकार को यह प्रतीक्षा होता है कि दीक्षित में यह प्रावधान है कि गुजरात राज्य में मण्डर से सी पी एक तक पट्रोलियम के परिवहन के लिए पार्श्वाईन अंगठ एवं नेवरल गैस कारपोरेशन लिमिटेड द्वारा बिलाई जानी चाहिए।

ओर यह : यह प्रतीत होता है कि एसो लाइनों को बिलाने के प्रयोजन के लिए एहत्याक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है:

प्रत: यह पट्रोलियम और खनिज पार्श्वाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50,) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने पा अपना आशय एवंद्राया घोषित किया है।

बायतें कि उक्त भूमि में हितवद्द कोई व्यक्ति उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, मकारपुरा रोड, बड़ोदा-९ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिरिट्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

प्रायोर से सी पी एक तक पाईप लाईन बिछाने के लिए।

राज्य—गुजरात	जिला—भरचू	तालुक—वागरा	भूमि का विवर		
			ब्लॉक सं०	हे.	आर सं०
वागरा	228		0	00	60
	229		0	03	30
	251		0	01	35
	252		0	02	30
	253		0	04	35
	254		0	02	00
	259		0	05	65
	632/मी		0	00	90
	633/मी		0	03	75
	594		0	08	80
	638		0	02	70
	639		0	01	20
	640		0	01	20
	642		0	02	70
	672		0	01	80
	678/मी		0	04	20
	679/ए		0	06	75
	1288		0	01	00
	371		0	02	10
	372		0	05	00

[सं. ओ-12016/65/96-ओ एन जी ई-IV]
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 29th February, 1996

S.O.836.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline. It is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd., Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ZANOR TO CPF

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Acre	Centi-tare
1	2	3	4	5
Vagra	228	0	00	60
	229	0	03	30
	251	0	01	35
	252	0	02	30
	253	0	04	35
	254	0	02	00
	259	0	05	65
	632/B	0	00	90
	633/B	0	03	75
	594	0	08	80
	638	0	02	70
	639	0	01	20
	640	0	01	20
	642	0	02	70
	672	0	01	80
	678/B	0	04	20
	679/A	0	06	75
	1288	0	01	00
	371	0	02	10
	372	0	05	00

[No. O-12016/65/96-ONG.D IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का.आ. 837.—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि गुजरात राज्य में प्रायोर से सी पी एक तक पटोलियम के परिवहन के लिए पाईप लाईन आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अब: यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतदावद्व अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पटोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन, अधिनियम, (1962) का 50 की शारा 3 की उपशारा द्वारा प्रदत्त शर्कितयों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्यक एतदावा घोषित किया है।

बायतें कि उक्त भूमि में हितवद्द कोई व्यक्ति उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और देखभाल प्रभाग, मकारपुरा रोड, बड़ोदा-९ को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिरिट्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

झणोर से मीटी पी एक तक पाइपलाइन विद्युत के लिए।

राज्य गुजरात : जिला एवं सालुका : भरुच

गांव	डिलोक सं.	हे.	आर	सेन्टी
बोरी	4	0	06	00
	5	0	01	65
	9	0	05	25
	11	0	04	50
	76	0	05	40
	77	0	02	70
	79	0	03	00
	122	0	05	94

[नं. ओ- 12016/66/96 ओ एन जी डी-IV
पम. मार्टिन, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S. O. 837.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Zanor to CPF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Zanor to CPF.

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hectare	Are	Cen-tiare
Bori	4	0	06	00
	5	0	01	65
	9	0	05	25
	11	0	04	50
	76	0	05	40
	77	0	02	70
	79	0	03	00
	122	0	05	94

[No. O-12016/66/94 ONG.D IV]
M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. अ. 838 :—यह केन्द्रीय सरकार को यह प्रतीत होता है कि नोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनएलएफ में जी एन वार्ड ई बैक पट्टोलियम के परिसर के लिए पाइपलाइन आयल एंड नेचुरल गैस कार्पोरेशन लिमिटेड हाश विलाई जानी चाहिए।

और अतः यह प्रमीत होता है कि गोमा लाइनों की विद्युत के लिए एनडीपीबी अनुसूची में अधिक भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अंतः अब पट्टोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अजने अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उम्मेद उपयोग का अधिकार अर्जित करने वाला अपना आपाय एतद्वद्ध ग्राही प्राप्त किया है :

वर्तमान के उपग्रह भूमि में हिन्दूबद्ध कोई अधिनियम उस भूमि के नीचे पाइपलाइन विद्युत के लिए आवश्यक सक्षम प्रशिकारी, आयल एंड नेचुरल गैस कार्पोरेशन लिमिटेड निर्माण और देवभूमि प्रभाग मकानगुण रोड, थडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर देकेगा।

और एसा आवश्यक करने वाला हर अधिकारी विनियोगित : यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई अक्षितगत रूप से हो या किसी विधि अवसायी की मार्फत।

अनुसूची

जीएनएलएफ से जीवाईईतक पाइपलाइन विद्युत के लिए

राज्य : गुजरात

जिला : भरुच

तालुका : वागरा

गांव	सर्वे सं.	हे.	आर	सेन्टी
रहियाय	कार्ट ट्रैक	0	01	95
	364	0	16	25
	कार्ट ट्रैक	0	01	30
	358	0	14	30
	359	0	16	90
	565	0	09	75
	567	0	07	80
	568	0	02	60
	569	0	05	20
	348	0	05	20
	347	0	07	80
	346	0	07	15
	345	0	11	05
	609	0	32	50
	612	0	09	10
	616	0	13	65
	620	0	08	45
	819	0	04	55

[नं. ओ- 12016/67/96 ओ एन जी डी-IV]

पम. मार्टिन, डैस्क अधिकारी

New Delhi, the 29 February, 1996

S.O. 839.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNLF to GNYE in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline From GNLF to GNYE.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Arc	Centi- are
Rahiyad	Cart track	0	01	95
	364	0	16	25
	Cart track	0	01	30
	358	0	14	30
	359	0	16	90
	565	0	09	75
	567	0	07	80
	568	0	02	60
	569	0	05	20
	348	0	05	20
	347	0	07	80
	346	0	07	15
	345	0	11	05
	609	0	32	50
	612	0	09	10
	616	0	13	65
	620	0	08	45
	619	0	04	55

[No. O-12016/67/96 ONG.D -IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

कान्दा. 839.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी-एन-डी-एम से जी-जी-एम IV तक पेट्रोलियम के परिवहन के लिये पाइपलाइन आँपल एंड नेचुरल गैर कार्बोरेशन लिमिटेड द्वारा बिलाई जानी चाहिए।

ग्रोर भद्रः यह प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रयोजन के लिये एस्ट्रोबॉड अनुसूची में विनियम भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

यतः ग्रब पेट्रोलियम ग्रीर बिलान पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त ग्रंथियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का प्रपत्ता आशय एस्ट्रोबॉड घोषित किया है।

यथां कि उक्त भूमि में किनबद्द कोई व्यक्ति उस भूमि के नीचे पाइप लाईन बिलान के लिए आशेप सकाम प्राधिकारी, आँपल एंड नेचुरल गैर कार्बोरेशन लिमिटेड नियनि ग्रीर देवरपाल प्रभाग, मकरारुद्ध रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकता।

ग्रीर ऐसा आवेदन करने वाला हर व्यक्ति विनियिल्ट: यह भी कथन करेगा कि क्या यह यह चाहता है कि उसको सुनवाई व्यक्तिगत रूप से हो या विधि अवधार्य की मार्फत।

अनुसूची

जी-एन-डी-एम से जी-जी-एम-IV तक पाइपलाइन बिलाने के लिए।

राज्य: गुजरात ज़िला: भरुच तालुका: पागरा

गांव	सर्वे सं.	हे.	आर.	सेटी
पाहरिया	122 ए	0	03	64
	122 बी	0	23	14
	123	0	27	56
	124	0	22	10
	125	0	25	35
	127	0	04	91

[म. ऑ-12016/68/96 ओ एन जी डी-IV]

एम. मार्टिन, बैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 839.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNBM to GGS IV in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNBM to GGS IV

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Arc	Centi- tare
Padariya	122/A	0	03	64
	122/B	0	23	14
	123	0	27	56
	124	0	22	10
	125	0	25	35
	127	0	04	94

[No. O-12016/68/ONGD-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 840.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीएनएलई से जीएनवाईएफ तक पेट्रोलियम के परिवहन के लिए पाष्ठपालन और प्रयोग का उपयोग एंड नेचुरल गैस कार्पोरेशन लिमिटेड द्वारा विकार्य जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइंसों को विभाने के प्रयोग के लिए एवं प्रयोग का उपयोग का उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाष्ठपालन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एंड द्वारा घोषित किया है।

बताते हुए कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाष्ठपालन विभाने के लिए आदेष सक्षम प्राधिकारी, और प्रयोग का उपयोग का अधिकार अर्जित करने का अपना आशय एंड द्वारा घोषित कर सकेगा।

और ऐसा आवेदन करने वाला हर व्यक्ति विनिश्चयतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मूलदारी व्यक्तिगत रूप से ही या किसी विधि अवसायी की माफन।

अनुसूची

जीएनएलई से जीएनवाईएफ तक पाष्ठपालन विभाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा	
गांव	मर्वे सं.	हे.	आर सेन्टी
जीलवा	19	0	03 90
	33	0	10 40
	31	0	37 70
27/प/वी	0	24	70
26	0	37	70
13	0	08	45
कार्ट्रैक	0	02	60
55	0	13	00
128	0	14	30

[म. ओ-12016/69/96-ओ ग्रन जीडी-IV]

एम. मार्टिन, डेस्क प्रधिकारी

New Delhi, the 29 Feb., 1996

S.O. 840.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNLE to GNYF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therin.

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in persons or by legal Practitioner.

SCHEDULE

Pipeline from GNLE to GNYF

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Arc	Centi- tare
Jolwa	19	0	03	90
	33	0	10	40
	31	0	37	70
27/A/B	0	24	70	
26	0	37	70	
13	0	08	45	
Cart track	0	02	60	
55	0	13	00	
128	0	14	30	

[No. O-12016/69/ONG.D (IV)]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 841.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीजीएप्स IV से जीलवा द्वारा तक पेट्रोलियम के परिवहन के लिए पाष्ठपालन और प्रयोग का उपयोग एंड नेचुरल गैस कार्पोरेशन लिमिटेड निर्माण और वेश्वासन प्रभाग, मकरपुरा रोड, बड़ौदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और अतः यह प्रतीत होता है कि ऐसी लाइंसों को विभाने के प्रयोग के लिए एवं प्रयोग का उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाष्ठपालन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एंड द्वारा घोषित किया है।

बताते हुए कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाष्ठपालन विभाने के लिए आदेष सक्षम प्राधिकारी, और प्रयोग का उपयोग का अधिकार अर्जित करने का अपना आशय एंड द्वारा घोषित कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या यह यह चाहता है कि उसकी मूल्याई व्यवस्थाएँ व्यवस्थाएँ रूप से होंगी किसी विधि व्यवसायों की मार्केट।

अनुसूची

जी.जी.एस. IV गे जोखवा ईपीएस तक पाइपलाइन विश्वाने के लिए

राज्य : गुजरात

जिला : भरुच

तालुका : वागरा

गांव	मर्वरं.	हे.	आर	मेन्टी
कडोदरा	861	0	24	60
	864	0	24	00
	863/पी/वी	0	13	20
	869	0	07	20
	894/पी	0	33	00
	892	0	38	10
	889	0	22	20
	944	0	02	80
	941	0	06	60
	940	0	06	60
	927	0	00	70
	928	0	11	30
	929	0	05	04
	930	0	07	80
	62	0	03	60
	61	0	23	40
	63	0	00	35
	77	0	15	00
	78	0	09	36
	79	0	09	00
	80	0	16	20
	82	0	03	00
	71	0	03	00
	69	0	09	00
	67	0	06	36

[सं. ओ. — 12016/70/96—ओ. एन जी.डी- IV]

एम. मार्टिन, ईस्क अधिकारी

New Delhi, the 29 February, 1996

S.O.841.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS IV to Jalwa EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wished to be heard in persons or by legal Practitioner.

SCHEDULE

Pipeline from GGS IV to Jalwa EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centiare
Kadodra	861	0	24	60
	864	0	24	00
	863/AB	0	13	20
	869	0	07	20
	894/P	0	33	00
	892	0	38	10
	889	0	22	20
	944	0	02	80
	941	0	06	60
	940	0	06	60
	927	0	00	70
	928	0	11	30
	929	0	05	04
	930	0	07	80
	62	0	03	60
	61	0	23	40
	63	0	00	35
	77	0	15	00
	78	0	09	36
	79	0	09	00
	80	0	16	20
	82	0	03	00
	71	0	03	00
	69	0	09	00
	67	0	06	36

[No. O-12016/70/96 ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 812.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकसभा में यह आवायक है कि गुजरात राज्य में जी जी एस-IV से जोखवा ह पी एम तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एण्ड नेक्स्टरल ग्रेम कारपोरेशन लिमिटेड द्वारा बिल्डाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोगजन के लिए एल्डुपावड़ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अनिज पाइपलाइन भूमि में उपयोग के अधिकार का प्रबंधन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवाय एन्ड व्हाररा घोषित किया है।

बासें कि उस भूमि में हिन्दूद कोई अवित्त उम भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप नक्सम प्राधिकारी, आयल एण्ड नेक्स्टरल ग्रेम

कारपोरेशन लिमिटेड, निमाण और देशभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफ़त।

अनुसूचि

जी जी एम IV से जोलवा इ पी एम तक पाइपलाइन बिछाने के लिए।

राज्य:—गुजरात जिला:—भरुच तालुका:—वागरा

गांव	सर्व सं.	हे.	प्रार	सेव्ही
नरणावी	8	0	25	80
	7	0	14	64
	6	0	20	40
	231	0	21	60
	230	0	49	20
	230	0	14	40
	229	0	14	40
कार्ट ट्रैक	0	04	80	
221/बी	0	04	20	
कार्ट ट्रैक	0	03	00	

[सं. ओ-12016/71/96-ओ एम जी-डी-IV)

एम. मार्टिन, इंस्क प्रधिकारी

New Delhi, the 29 Feb., 1996

S.O. 842.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS IV to Jolawa EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from GGS IV to Jolwa EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Acre	Centiare
Narnavi	8	0	25	80
	7	0	14	64
	6	0	20	40
	231	0	21	60
	230	0	49	20
	230	0	14	40
	229	0	14	40
Cart track	0	04	80	
221/B	0	04	20	
Cart track	0	03	00	

[No. O-12016/71/96-ONG D-IV]
M. MARTIN, Desk Officer

नई विल्सनी, 29 फरवरी, 1996

का. ग्रा. 843.—यह केंद्रीय सरकार को यह प्रतीत होता है कि लोकवित में यह आवश्यक है कि गुजरात राज्य में जी एन एल एक से जी एन वाई ई तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एण्ड नेक्स्टरल जैसे कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और प्रतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोग के लिए एशियाबद अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अंतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का प्रज्ञन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त प्रवित्रियों का प्रयोग करने हुए केंद्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आधेष्य सभ्यम प्राधिकारी, आयल एण्ड नेक्स्टरल जैसे कारपोरेशन लिमिटेड, निमाण और देशभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफ़त।

अनुसूचि

जी एन एल एक से जी एन वाई एक तक पाइपलाइन बिछाने के लिए

राज्य:—गुजरात जिला:—भरुच तालुका:—वागरा

गांव	सर्व सं.	हे.	प्रार	सेव्ही
जोलवा	19	0	02	60
	20	0	19	20
	22	0	14	95
	23	0	32	50
	14	0	06	50
	25	0	14	95
	26	0	16	75
	13	0	08	45
कार्ट ट्रैक	0	02	60	
55	0	13	00	
128	0	14	30	

[सं. ओ-12016/72/96-ओ एम जी-डी-IV]

एम. मार्टिन, इंस्क प्रधिकारी

New Delhi, the 29th February, 1996

S. O. 843.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNLF to GNYF in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

SCHEDULE
Pipeline from GNLF to GNYF

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centi are
Jolwa	19	0	02	60
	20	0	19	20
	22	0	14	95
	23	0	32	50
	14	0	06	50
	25	0	14	95
	26	0	16	75
	13	0	08	45
	Cart track	0	02	60
	35	0	13	00
	128	0	14	30

[No. O-12016/72/96-ONGD. IV]

M. MARTIN, Desk Officer

नई विल्ली, 29 फरवरी, 1996

का. आ. 844—यह: केन्द्रीय सरकार को यह प्रतीप होता है कि लोकहित में यह आवश्यक है कि गृजरात राज्य में जी जी एस-IV से जोलवा इसी पाइपलाइन के परिवहन के लिए पाइपलाइन आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिलाई जानी चाहिए।

और इस: यह प्रतीप होता है कि ऐसी लाइनों को बिलाने के प्रयोग के लिए एतत्पावन अनुमति में विभिन्न भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अंत: अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एकद्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितवड़ कोई अवित उस भूमि के नीचे पाइप लाइन बिलाने के लिए अधिक सभी प्राधिकारी, आयल एंड नेचुरल गैस

कारपोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, मारसुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आवेदन करने वाला हर अवित विनियोग: यह भी कथन करेगा कि क्या वह यह आवता है कि उसकी मुनबाई अंकितगत ४४ से हो या किसी विधि अवश्यकी की मार्फत।

प्रत्यूत्तर

जी जी एस IV से जोलवा इसी पाइपलाइन बिलाने के लिए।

राज्यः—गुजरात	श्रिलः—भारच	तालुकः—वागरा		
गांव	सर्वे सं.	३.	प्रार.	सेल्टी.
वागरा	7	0	03	00
	13	0	31	44
	12	0	10	20
	27/प/सी	0	15	60
	28	0	29	20
	26	0	21	60
	40	0	35	40
	39	0	26	40
	71	0	40	20
	73	0	22	20
	74	0	21	00
	85	0	14	20
	87	0	37	80
	92	0	16	20
	91	0	00	80
	95	0	23	40
	107	0	03	81

[सं. ओ-12016/73/96 जी एस जी-डी-IV]

एस मार्टिन डेस्क अधिकारी

New Delhi, the 29 February, 1996

S.O. 844.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS IV to Jolwa EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GGS IV to JOLWA EPS.

State : Gujarat	District : Bharuch	Taluka : Vagra			
Village	Survey No.	Hectare	Acre	Centi-are	
Wav	7	0	03	00	
	13	0	31	44	
	12	0	10	20	
	27/A/B	0	15	60	
	28	0	28	20	
	26	0	21	60	
	40	0	35	40	
	39	0	26	40	
	71	0	40	20	
	73	0	22	20	
	74	0	21	00	
	85	0	19	20	
	87	0	37	80	
	92	0	16	20	
	91	0	00	80	
	95	0	23	40	
	107	0	03	84	

[No. O-12016/73/96-ONG. D-IV]

M. MARTIN, Desk Officer

प्रनुभूति

जी जी एस-IV से जोलवा इ पी एस तक पाइपलाइन बिछाने के लिए
राज्य:—गुजरात जिला:—भरुच तालुका—वागरा

गांव	सर्वों सं.	हे.	आर	सेन्टी.
जोलवा	80	0	05	40
	79	0	19	20
	77	0	06	00
	89	0	24	00
	91/ए	0	12	60
	87	0	09	84
	96	0	20	40
	97	0	08	40
	105	0	10	20
	106/ए/बी	0	14	40
	111	0	24	00
	110	0	15	60
	117/ए	0	03	84
	115	0	04	20
	116	0	10	20
	118	0	12	00
	120	0	12	00
	122	0	20	80
	121	0	00	40

[सं. ओ-12016/74/96- ओ एन जी-सी-IV]

एम. मार्टिन, ईस्ट अधिकारी

New Delhi, the 29th February, 1996

नई विल्सी, 29 फरवरी, 1996

का. आ. ४५.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि सोक्रित में यह आवश्यक है कि गुजरात राज्य में जी जी एस-IV से जोलवा इ पी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयात एवं नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतत्पावड़ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अंतः अब पेट्रोलियम और ग्यासिन पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त वर्णितों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवाय एतद्वारा घोषित किया है।

वर्तमें कि उक्त भूमि में हितवड़ कोई वर्णित उस भूमि के नीचे पाइप लाइन बिछाने के लिए आवश्यक सभी प्राधिकारी आयात एवं नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और वेखान प्रभाग, मकरपुरा रोड, बड़ौदारा-9 को इस अधिसूचना की नारीज में 21 दिनों के भीतर कर सकेगा।

और ऐसा आवश्यक करने वाला हर व्यक्ति विनिविष्ट: यह भी कपन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यवसित भूमि में हो जा किसी विधि व्यवसायी की मार्फत।

S.O. 845.—Wheters it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS IV (to JO/wa EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed here to:—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therin:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from GGS IV to JOLWA EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centi-are
1	2	3	4	5
Jolwa	80	0	05	40
	79	0	19	20
	77	0	06	00
	89	0	24	00
	91/4	0	12	60
	87	0	09	84
	96	0	20	40
	97	0	08	40
	105	0	10	20
	106/A/B	0	14	40
	111	0	24	00
	110	0	15	60
	117/A	0	03	84
	115	0	04	20
	116	0	10	20
	118	0	12	00
	120	0	12	00
	122	0	20	80
	121	0	10	40

[No. O-12016/74/96-ONG. D IV]
M. MARTIN, Desk Officer

तर्हि दिल्ली, 29 फरवरी, 1996

का. आ. 346.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहृषि में यह भावभक्ति है कि गुजरात राज्य में जी जी एस-IV से जोलवा इ पी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एण्ड नेचुरल गैस कार्पोरेशन लिमिटेड द्वारा बिलाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रयोजन के लिए एतद्वारा भनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अंतः भव पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की आरा 3 की उपशारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बासते कि उक्त भूमि में हितवड़ कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिलाने के लिए मालैप सक्षम प्राधिकारी, आयल एण्ड नेचुरल गैस कार्पोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, मकरुरु रोड, बड़ीवरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति बिलिंग्स्टॉटः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुधाराई व्यक्तिगत रूप से हूँ या किसी विधि व्यवसायी को मार्फत।

भनुसूची

जी जी एस-IV से जोलवा तक पाइप लाइन बिलाने के लिए ।
राज्यः—गुजरात जिलाः—भरुच तालुकाः—वागरा

गांव	सर्वे सं.	हे.	भार.	सेन्टी.
पादरिया	162/ए	0	0 4	20
	163	0	0 8	40
	164/ए	0	0 3	60
	164/बी	0	12	00
	175	0	0 6	60
	166/ए	0	28	80
	काटे ट्रक	0	0 3	60
	167/बी	0	42	60

[सं. ओ — 12016/75/96-ओ एन जी-ई-IV]
एम. मार्टिन, डेस्क प्राधिकारी

New Delhi, the 29th February, 1996

S. O. 846.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS IV to Jolwa EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto to :—

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therin:

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority, Oil & Natural Gas Corporation Ltd. Constructions Maintenance Division, Makarpura Road, Vadodara:390009.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from GGS IV to JOLWA EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centi-are
Padariya	162/A	0	0 4	20
	163	0	0 8	40
	64/A	0	0 3	60
	64/B	0	12	00
	75	0	0 6	60
	166/A	0	28	80
	Cart track	0	0 3	60
	167/B	0	42	60

[No. O-12016/75/96 - ONG. D IV]

M. MARTIN, Desk Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 847.—जबकि केन्द्र सरकार यह अनुमत करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एस.एफ.सी. एल. टेप आफ पोइंट से ई.आर्ड.डी. पैरी लि. पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये उसके साथ संलग्न विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मांग की धोषणा करती है।

वगते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षेप प्राधिकारी गैस अथारिटी आफ इण्डिया लिमिटेड कावेरी बेसिन नीला भेल-बड़म पोकिक सड़क, नागपट्टिणम्, नगरी कायितेमिलत ज़िला तमिलनाडु-611 001. दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज करते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत स्प से अथवा विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

एस.एफ.सी.एल. टेप आफ पोइंट से ई.आर्ड.डी. पैरी लि. गैस पाइप लाइन प्रोजेक्ट

राज्य	ज़िला	तालुक	ग्राम	खसरा नं.	एतिया		
					ट्रैकटेगर में	एकड़ सेट में	अन्य विवरण
पांडिचेरी	पांडिचेरी	करईकाल	18 सैलूर		48. 1	0. 05. 0	0. 14
					48. 4	0. 01. 5	0. 04
					48. 9	0. 04. 0	0. 10
					49. 2	0. 03. 5	0. 09
					49. 4	0. 05. 5	0. 14
					51. 4	0. 07. 5	0. 18
					61. 1	0. 01. 0	0. 02
					60. 1	0. 05. 5	0. 14
					60. 5ए	0. 06. 0	0. 15
					54. 2	0. 19. 5	0. 48

[सं. एल-14016/15/94-जी.पी.]

अधृत्यु सेन, निदेशक

New Delhi, the 7th March, 1996

S.O. 847.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from SFCL TAP OFF POINT TO EID PARRY LTD., be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the Land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

SFCL TAP OF TO E.I.D. PARRY LTD., GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area		Remarks f
					In Hectares	Acre-cent	
1	2	3	4	5	6	7	8
Pondicherry	Pondicherry	Karaikal	18 Sellur	48.1	0.05.5	0.14	
				48.4	0.01.5	0.04	
				48.9	0.04.0	0.10	
				49.2	0.03.5	0.09	
				49.4	0.05.5	0.14	
				51.4	0.07.5	0.18	
				61.1	0.01.0	0.02	
				60.1	0.05.5	0.14	
				60.5A	0.06.0	0.15	
				54.2	0.19.5	0.48	

[No. L—14016/15/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 7 मार्च, 1996

का.आ. 848.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम एवं प्राकृतिक गैस लाने के लिये आई.एस.आर.एम. टेप आफ पॉइंट से शक्ति केमीकल्स और चोला पाइप्स नरीमानम एश्प लाइन परियोजना के अंतर्गत पाइप लाइन गैस अर्थारिटी आफ इंडिया लिमिटेड द्वारा बिल्ड जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये उसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार प्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार प्रहण अधिनियम, 1962 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रदत्त शक्तियों के प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार करने की मंशा की घोषणा करती है।

बास्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 31 दिन के भीतर भूमिगत पाइप लाइन बिल्ड के विरोध में अपनी आपसि संक्षेप प्राधिकारी गैस अर्थारिटी आफ इंडिया लिमिटेड कावेरी बेसिन नीला मेलवडम पोक्कि सहूक, नागपृष्ठिणम् नागे कायितेमिल्लत जिला तमिलनाडु 611 001. दर्ज करा सकता है।

और ऐसी आपसि दर्ज कराते समय किसी भी व्यक्ति को विशेष से रूपनिर्दिष्ट करना होगा कि वह व्यक्तिगत स्पष्ट से अथवा विधि व्यवसाय के माध्यम से अपना मत करना चाहता है।

अनुसूची

आई.एस.आर.एम. टेप आफ पॉइंट से शक्ति केमीकल्स और चोला पाइप्स नरीमानम गैस पाइप लाइन प्रोजेक्ट.

एसिया

राज्य	जिला	तालुक	ग्राम का नाम और नं.	खसरा नं.	हेक्टेएक्टर में	एकड़ सेट में अन्य विवरण
तमिलनाडु	नागार्कवेड-ई-मिल्लेथ	नग्निलम	122 नरीमानम	17. 2 बी	0. 09. 0	0. 22
				17. 2 सी	0. 08. 0	0. 20
				17. 20	0. 16. 0	0. 39
				58. 3	0. 03. 0	0. 09
				59. 1 बी	0. 05. 0	0. 12
				59. 2	0. 05. 0	0. 12
				59. 4	0. 15. 0	0. 37

[संख्या एल-14016/15/94 जी.पी.]
ग्राह्यतु मेन, मिदेशक

New Delhi, the 7th March, 1996

S.O. 848 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas From ISRM TAP OFF POINT TO SAKTHI CHEMICALS AND CHOLA PIPES, NARIMANAM Gas Pipeline project should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section(1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of User in the Land) Act 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611 001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

ISRM TAP OF POINT TO SAKTHI CHEMICALS AND CHOLA PIPES NARIMANAM
GAS PIPE LINEPROJECT

State	District	Taluk	Village No. Name	Survey Nos.	Area			Remarks
					In Hectares	In Acre cent	6	7
1	2	3	4	5	6	7	8	
Tamil Nadu	Nagai Quaid-E Milleth	Nannilam	122 Narimanam	17.2B 17.2C 17.2D 58.3 59.1B 59.2 59.4	0.09.0 0.08.0 0.16.0 0.03.5 0.05.0 0.05.0 0.15.0	0.22 0.20 0.39 0.09 0.12 0.12 0.37		

[No. L-14016/15/94-G.P.]
ARDHENDU, SEN, Director.

नई दिल्ली, 7 मार्च, 1996

का.प्रा. 849.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम एवं प्राकृतिक गैस लाने के लिये भुवनागिरी वैल नं. 2 से मैसर्स सुमंगला स्टील भुवनागिरी तमिलनाडु पाइप लाइन परियोजना के अंतर्गत पाइप लाइन गैस अर्थारिटी ऑफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये उसके साथ मंलग्न विवरण में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करता आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रदत्त प्रक्रियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना को तारीख से 31 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपनी संक्षेप प्राधिकारी गैस अर्थारिटी ऑफ इंडिया लिमिटेड कावेरी बैंक नीला मेलवडम पोषिक मड़क, नागपृथ्वीनम्, नागे कायितेमिल्लत जिला तमिलनाडु, 611 011. दर्ज करा सकता है।

और ऐसी अपित्त दर्ज करते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप में अधिकारी व्यवसायक के माध्यम से अपना मत बरना चाहता है।

प्रान्तुसूची

भुवनागिरी वैल नं. 2 से मैसर्स सुमंगला स्टील भुवनागिरी गैस पाइप लाइन

राज्य	जिला	तालुक	ग्राम	खसरा नं.	एरिया		प्रत्यक्ष हेक्टेश्यर में एकड़ सेन्ट में विवरण
					हेक्टेश्यर	सेन्ट	
तमिलनाडु	साउथ आरकोट वालालार	चिदम्बारम	37-बी	153-3बी	0.03.5	0.09	
			आधिवरगानाथम	153-1ए	0.04.0	0.10	
				140-1	0.01.5	0.03	
				140-3	0.18.5	0.44	
				144-1	0.00.5	0.01	

[संख्या एल 14016/15/94 जी.पी.]
अर्धेन्दु मेन, निवेशक

New Delhi, the 7th March, 1996

S.O. 849 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gass from Bhuvanagiri WELL NO. 2 TO M/s. Sumangala Steel Bhuvanagiri in Tamil Nadu State should be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed thereto.

Now, therefore, in exercise of the powers conferred by Sub-Section(1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611 001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

BHUVANA GIRI WELL NO. 2 TO M/S SUMANGALA STEEL BHUVANAGIRI
GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area			Remarks
					In Hectares	In Acre	In Cent	
1	2	3	4	5	6	7	8	
Tamil Nadu	South Arcot Vallalar	Chidambaram	37 B.	153-3B	0.03.5	0.09		
			Adhivaraga	153-A1	0.04.0	0.10		
			Nathan	140.1	0.01.3	0.03		
				140-3	0.18.0	0.44		
				144-A1	0.00.5	0.01		

[No. L-14016/15/94-G.P.]
ARDHENDU SEN, Director.

नई दिल्ली, 7 मार्च, 1996

कान्प्रा. 850.—यह: पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रमायन और पेट्रोरसायन विभाग की अधिसूचना कान्प्रा. 62 तारीख 29-12-1994 हारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाईप लाईन के विभाने के प्रयोगन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सदम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह: भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिभाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथवार्टी ऑफ इंडिया लिमिटेड, राजमंडी में सभी बाधाओं में मुक्त स्थल में घोषणा के प्रकारित की तारीख से निहित होगा।

अनुसूची

कमलापुरम अगली प्राइवेट मिस्टर्स में आईपीकामंगलम, जी. जी. एम. गम पाइपलाइन प्रोजेक्ट

राज्य	जिला	तालुक	ग्राम	एस्ट्रिया			अन्य विवरण
				खसरा नं.	हेक्टेयर में	एकड़ सेट में	
तमिलनाडु	नार्गेको-ई-मिलेष	कोदावसाल	104, पेरुनथाराकुडी	207/4	0.05.0	0.12	
				207/6	0.04.5	0.11	
				206/1	0.00.5	0.01	
				206/2	0.06.0	0.15	
				212/1	0.11.5	0.28	
				212/3	0.06.5	0.16	
				212/4ए	0.03.0	0.07	
				212/4बी	0.04.0	0.10	
				213/1	0.05.0	0.12	
				213/2	0.03.0	0.07	
				213/3ए	0.01.0	0.02	

3

[संख्या एल-14016/15/94 जी. पी.]
अधेन्दु सेन, निदेशक

New Delhi, the 7th March, 1996

S.O. 850.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 62 Dated 29-12-94 under Sub-Section (1) of Section of 6 the petroleum and Minerals pipe lines (Acquisition of Right of User in Land) Act., 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipe line.

And Whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And Further Whereas the Central Government has after considering the said report, declared to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, Therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by Sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

KAMALAPURAM EARLY PRODUCTION SYSTEM TO ADIYAKKAMANGALAM, G.G.S. GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area			Remarks
					In Hectares	In Acre	Cent	
1	2	3	4	5	6	7	8	
Tamil Nadu	Nagai, Quaide-Milleth	Kodavasal	104 Peruntharakudy	207/4	0.05.0	0.12		
				207/6	0.04.5	0.11		
				206/1	0.00.5	0.01		
				206/2	0.06.0	0.15		
				212/1	0.11.5	0.28		
				212/3	0.06.5	0.16		
				212/4A	0.03.0	0.07		
				212/4B	0.04.0	0.10		
				213/1	0.05.0	0.12		
				213/2	0.03.0	0.07		
				213/3A	0.01.0	0.02		

[No. L—14916/15/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 7 मार्च, 1996

का.आ. 851.—यह पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 63 तारीख 29-12-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाईन के बिलाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दें दी है।

और आगे यह भारत सरकार उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनियन्दय किया है।

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एकत्र द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिलाने के प्रयोजन के लिये एकत्र द्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमि में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड राजमंडी में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशित की तारीख से निहित होगा।

ग्रन्थसूची

कमलापुरम अरली प्रोजेक्टमन मिल्टम से आदिपक्षकामंगलम, जी जी एस गैस पाइपलाइन प्रोजेक्ट

प्रिया

अन्य विवरण

राज्य	जिला	तालुक	ग्राम	खसरा नं.	हेक्टेर में	एकड़ सेट में
तमिलनाडु	नागर्कवेद ई-मिल्लेथ विस्वारूप	39 पैस्तगुडी		78/6	0.09.0	0.22
				88/7	0.05.0	0.12
				88/8	0.05.0	0.12
				56/1	0.00.5	0.01
				56/2सी	0.15.0	0.37
				56/4ए	0.01.5	0.04
				56/4धी	0.03.5	0.09
				50/3ए	0.03.0	0.07
				47/1	0.06.0	0.17
				47/2	0.06.0	0.15
				47/3डी-1	0.2.5	0.06
				47/4	0.02.0	0.05
				46/1ए-1	0.02.5	0.06
				46/1ए-2	0.02.0	0.05
				46/1ए-3	0.02.5	0.06
				46/2ए	0.01.0	0.02
				46/2सी	0.01.5	0.04
				46/2सी	0.01.0	0.02
				45/1	0.05.0	0.12
				45/3	0.06.0	0.15
				44/1	0.05.0	0.12
				43/2	0.06.5	0.16
				43/4	0.02.5	0.06
				43/5	0.13.0	0.32
				159/2	0.09.0	0.22
				159/3	0.04.0	0.10
				158/3डी	0.01.5	0.04
				160/4	0.00.5	0.01
				160/5	0.05.0	0.12
				160/8	0.04.5	0.11
				160/10	0.10.0	0.25
				160/16	0.04.0	0.10
				160/27	0.00.5	0.01
				164/1	0.07.0	0.17
				164/3	0.05.0	0.13
				166/1	0.13.0	0.32
				166/7	0.00.5	0.01
				166/10	0.00.5	0.01
				7/1	0.15.5	0.38
				6	0.26.0	0.64
				5	0.19.5	0.48
				4/1	0.32.5	0.80
				3/1ए	0.03.5	0.09

[संख्या एल-14016/15/94-जी.पी.]

अरधेंदु नसे, निदेशक

New Delhi, the 7th March, 1996

S.O. 851.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 63 Dated 29-12-94 under Sub-Section (I) of Section 6 the petroleum and Minerals pipe lines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that Notification for purpose of laying pipe line.

And whereas the Competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by sub-section (I) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by Sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

KAMALAPURAM EARLY PRODUCTION SYSTEM TO ADIYAKKAMANGALAM, G.G.S. GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area			Remarks
					In Hectares	In Acre	Cent	
1	2	3	4	5	6	7	8	
Tamil Nadu	Nagai. Quaide-Milleth	Thiruvaun	39 Perungudy	78/6	0.09.0	0.22		
				78/7	0.05.0	0.12		
				78/8	0.05.0	0.12		
				56/1	0.00.5	0.01		
				56/2C	0.15.0	0.37		
				56/4A	0.01.5	0.40		
				56/4B	0.03.5	0.09		
				50/3A	0.03.0	0.07		
				47/1	0.07.0	0.17		
				47/2	0.06.0	0.15		
				47/3D—A1	0.02.5	0.06		
				47/4	0.02.0	0.05		
				46/1A—1	0.02.5	0.06		
				46/1A—2	0.2.0	0.05		
				46/1A—3	0.02.5	0.06		
				46/2A	0.01.0	0.02		
				46/2B	0.01.5	0.04		
				46/2C	0.01.0	0.02		
				45/1	0.05.0	0.12		
				45/3	0.06.0	0.15		
				44/1	0.05.0	0.12		
				43/2	0.06.5	0.16		
				43/4	0.02.5	0.06		
				43/5	0.13.0	0.32		
				159/2	0.09.0	0.22		
				159/3	0.04.0	0.10		
				158./3D	0.01.5	0.04		

1	2	3	4	5	6	7	8
Tamil Nadu	Nagai, Quaid-e-c Milleth	Thiruvarur	39 Perungudy	160/4	0.00.5	0.01	
				160/5	0.05.0	0.12	
				160/8	0.04.5	0.11	
				160/10	0.10.0	0.25	
				160/16	0.04.0	0.10	
				160/27	0.00.5	0.01	
				164/1	0.07.0	0.17	
				164/3	0.05.0	0.13	
				166/1	0.13.0	0.32	
				166/7	0.00.5	0.01	
				166/10	0.00.5	0.01	
				7/1	0.15.5	0.38	
				6	0.26.0	0.64	
				5	0.19.5	0.48	
				4/1	0.32.5	0.80	
				3/1A	0.03.5	0.09	

[No. L-14016/15/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 7 मार्च, 1996

का. आ. 852.—यतः पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 64 तारीख 29-12-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाईन के बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिष्चय किया है।

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अर्योरिटी और इंडिया जिमिटेड, राजमंडी में सभी वाधाओं में मुक्त रूप में घोषणा के प्रकाशित की तारीख से निहित होगा।

अनुसूची

कमलापुरम ग्रामीण प्रोडक्शन सिस्टम से आर्दियका मंगलम जी. जी. एस. गैस पाइपलाइन प्रोजेक्ट.

राज्य	जिला	तालुक	ग्राम	खसरा नं.	हेक्टेर. में	एकड़ सेट में	अन्य विवरण
1	2	3	4	5	6	7	8
तमिलनाडु	नागाईक्वेड-ई-मिल्लेथ थिरुवाल्लर	38 पुलिवलम	11/9	0.09.0	0.22		
			10/2ए	0.07.0	0.17		
			10/2बी	0.02.0	0.05		
			10/3	0.07.0	0.17		

1	2	3	4	5	6	7	8
तौमलनाडु	नागर्कन्ते डॉ-ई-मिलेथ	थिरुवारुम्पुलियलम्प	38	10/4	0.05.0	0.12	
				9/2	0.06.0	0.15	
				9/3	0.06.0	0.15	
				9/4	0.11.0	0.27	
				7/2पं	0.04.5	0.11	
				7/2वी	0.00.5	0.01	
				8/1पं-1	0.04.0	0.10	
				8/1वी	0.08.0	0.20	
				18/1	0.03.0	0.07	
				18/2पं	0.07.0	0.17	
				20/1	0.11.0	0.27	
				20/2वी	0.05.0	0.12	
				21/2सी	0.01.0	0.02	
				21/1डी	0.00.5	0.01	
				63/1सी	0.04.5	0.11	
				63/2	0.07.0	0.17	
				64/1	0.02.5	0.06	
				64/2पं-1	0.04.0	0.10	
				64/2पं-2	0.04.5	0.11	
				64/2वी	0.07.0	0.17	
				65/9	0.02.0	0.05	
				65/10	0.13.0	0.32	
				80/2	0.03.0	0.07	
				80/5	0.11.0	0.27	
				79/2 सी	0.11.0	0.27	
				78/1	0.24.0	0.59	
				77/1	0.09.0	0.22	
				76/16	0.16.0	0.39	
				75/4	0.02.5	0.06	
				75/8	0.05.0	0.12	
				75/9	0.03.0	0.07	
				75/10	0.06.0	0.15	
				75/11पं	0.01.5	0.04	
				75/11वी	0.02.0	0.05	

[मंद्या एल-14016/15/94 जी. पी.]
प्रधानमंत्री सेन, निदेशक

New Delhi, the 7th March, 1996

S.O. 852:—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 64 dated 29-12-94 under Sub-Section (I) of Section of 6 the Petroleum and Minerals pipe line (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipe line.

And whereas the competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by sub-section (I) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by Sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

KAMALAPURAM EARLY PRODUCTION SYSTEM TO ADIYAKKAMANGALAM, G.G.S GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area		Remarks
					In Hectares	In acre cent	
Tamil Nadu	Nagi, Quaid-E-Millett	Thiruvarur	38 Pulivalam	11/9	0.09.0	0.22	
				10/2A	0.07.0	0.17	
				10/2B	0.02.0	0.05	
				10/3	0.07.0	0.17	
				10/4	0.05.0	0.12	
				9/2	0.06.0	0.15	
				9/3	0.06.0	0.15	
				9/4	0.11.0	0.27	
				7/2A	0.04.05	0.11	
				7/2B	0.00.5	0.01	
				8/1A-1	0.04.0	0.10	
				8/1B	0.08.0	0.20	
				18/1	0.03.0	0.07	
				18/2A	0.07.0	0.17	
				20/1	0.11.0	0.27	
				20/2D	0.05.0	0.12	
				21/2C	0.01.0	0.02	
				21/1D	0.00.5	0.01	
				63/1C	0.04.5	0.11	
				63/2	0.07.0	0.17	
				64/1	0.02.0	0.06	
				64/2A-1	0.04.5	0.10	
				64/2A-2	0.04.0	0.11	
				64/2B	0.07.0	0.17	
				65/9	0.02.0	0.05	
				65/10	0.13.0	0.32	
				80/2	0.03.0	0.07	
				80/5	0.11.0	0.27	
				79/2C	0.11.0	0.27	
				78/1	0.24.0	0.59	
				77/1	0.09.0	0.22	
				76/16	0.16.0	0.39	
				75/4	0.02.5	0.06	
				75/8	0.05.0	0.12	
				75/9	0.03.0	0.07	
				75/10	0.06.0	0.15	
				75/11A	0.01.5	0.04	
				75/11B	0.02.0	0.05	

[No. L-14016/15/94—G.P.]
ARDHENDU SEN, Director.

नई दिल्ली, 7 मार्च, 1996

का.आ. 853.—यतः पेट्रोलियम और ग्यनिंग पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 65 तारीख 29-12-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाईप लाईन के विछाने के प्रयोजन के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और अतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट देंदी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

यद्यपि अतः अधिनियम की धारा 6 की उपधारा (1) तारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एन्ड्रेड्राग घोषित करती है कि हाँ अधिसूचना में संलग्न अनुगृही में विनिश्चिट इकत भूमियों में उपयोग का अधिकार पाई जाने विद्युत के प्रयोग के लिए एन्ड्रेड्राग अर्जित किया जाना है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निर्धारित हानि के वजाय गैस अधोग्रही आफ इण्डिया लिमिटेड, गजमंडी में सर्वी वाधाओं में मुक्त रूप में घोषणा के प्रकाशित की तारीख से निर्धारित होगा।

अनुसूची

कमलापुरम अम्ली प्रोडक्शन सिस्टम से आदि यक्कामंगलम, जी.जी.एम., गैस पार्कप्लाईन प्रोजेक्ट

राज्य	जिला	तालुक	ग्राम	खसरा नं.	परिया		अन्य विवरण
					हक्के, में	एकड़ में	
तमिलनाडु	नागएडी-ई-मिलेन्य	थिरुवाल्लुर	वैनकाटमापुरम	37	4/5ए	0. 00. 5	0. 01
					4/5बी	0. 14. 0	0. 35
					5/4ए	0. 03. 5	0. 09
					5/4बी	0. 02. 0	0. 05
					41/1	0. 04. 5	0. 11

[संख्या ए.ल-14016/15/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 7th March, 1996

S. O. 853:—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 65 Dated 29-12-94 under sub-section (I) of Section 6 the Petroleum and Minerals pipe lines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by sub-section (I) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

KAMALAPURAM EARLY PRODUCTION SYSTEM TO ADIYAKKAMANGALAM, G.G.S. GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area			Remarks
					In Hect	ares	In acre cent	
Tamil Nadu	Nagai, Quaid-E-Milleth	Thiruvarur	37 Venkatesapuram	4/5A		0.00.5	0.01	
				4/5B		0.14.0	0.35	
				5/4A		0.03.5	0.09	
				5/4B		0.02.0	0.05	
				41/1		0.04.5	0.11	

[No. L-14016/15/94—G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 8 मार्च, 1996

का.आ. 854.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि के.एस.सी.एल. टेप और मीनाक्षी सिलिकेट्स तमिलनाडु तक पेट्रोलियम एवं प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस ग्राहीरटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए। और, यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा ग्रन्तमूल्यी में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्णते कि उक्त भूमि में हितबद्ध वोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस ग्राहीरटी ऑफ इंडिया लिमिटेड, कावेरी परियोजना, नागापट्टिनम, कोड 611001 को इस ग्रन्तमूल्यना की तारीख से 21 दिनों के भीतर कर सकेगा, और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

के.एस.सी.एल. टेप ऑफ से मीनाक्षी सिलिकेट्स, पोलागम गैस पाइपलाइन परियोजना

राज्य	जिला	तालुका	ग्राम	सर्वे नम्बर	क्षेत्रफल		टिप्पणी
					हेक्टे. में	एकड़ सेन्टी में	
1	2	3	4	5	6	7	8
पान्डिचेरी	पान्डिचेरी	करकाल	35 पोलागम	143/1 155/1 155/2 164/1ए 164/1बी 166/4	0.11.0 0.36.0 0.01.0 0.09.0 0.02.5 0.05.5	0.24 0.76 0.02 0.22 0.06 0.13	

[सं. एल - 14016/5/95 - जी. पी.]

ग्रन्तमूल्यना सेन, निदेशक

New Delhi, the 8th March, 1996

S.O. 854.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from KSCL TAP OFF POINT TO MEENAKSHI SILICATES IN TAMILNADU Gas Pipelines should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in the land) Act 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Cauvery project, Nagapattinam, Pin-611 001.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

KSCL TAP OFF POINT TO MEENAKSHI SILICATES, POLAGAM GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Area		Remarks
					In Hectares	In acre cent	
Pondicherry	Pondicherry	Karaikal	35 Polgama	143/1	0.11.0	0.24	
				155/1	0.36.0	0.76	
				155/2	0.01.0	0.02	
				164/1A	0.09.0	0.22	
				164/1B	0.02.5	0.06	
				166/4	0.05.0	0.13	

[No. L-14016/5/95-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 8 मार्च, 1996

का. आ. 855.—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि इन्डोगल्फ गैस टर्मिनल से मालविका स्टील, जगदीशपुर उत्तर प्रदेश राज्य तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पार्श्व लाईन गैस अर्थार्टी औफ इंडिया लिमिटेड द्वारा विछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को विछाने के प्रयोजन के लिए एन्ड्रायाब्रॉड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, श्रव, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आप्त्य एन्ड्रायाब्रॉड विधिवत् करती है।

बताते कि उक्त भूमि में हितवरु कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन विछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अर्थार्टी औफ इंडिया लिमिटेड ए-14, पी.डी.आई.एन. बिल्डिंग, सैकट, 1, नौण्डा, उ. प्र. को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

वाद - अनुसूची

इन्डोगल्फ गैस टर्मिनल से मालविका स्टील टर्मिनल जगदीशपुर पार्श्व लाईन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाडा सं.	अर्जित शेक्त्र.	अन्य विवरण (एकड़/हेक्टर.)
1	2	3	4	5	6	7
रायबरेली	तिलोई	इन्हौना	सिठौली	1161	0.2335	
				1258	0.0538	
				1257	0.0594	
				1214	0.2808	
				1259	0.1171	
			योग	0.5	0.7806 हेक्टेअयर या 1.929 एकड़	

03 बीचा 01 बिस्ता 14.40 बिस्तासी

[म. एल-14016/6/95-जी.पी.]
अर्थार्टी मेन, निवेशक

New Delhi, the 8th March, 1996

S.O. 855 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Indo Gulf Gas Terminal to Malvika Steel, Jagdishpur in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested to the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., A-14, PDIL Building, Sector-1, Noida, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE SCHEDULE

INDO GULF TERMINAL MALVIKA STEEL TERMINAL JAGIDISHPUR PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired area in (Hec/Acres)	Remarks
1	2	3	4	5	6	7
Rai-Bareilly	Telol	Enhona	Sethouli	1161 1258 1257 1214 1259	0.2335 0.0538 0.0954 0.2808 0.1171	
			Total	05	0.7806 Hec.	
					1.929 Acre Or	03 Bigha 01 Biswa 14,40 Biswansi

[No. L-14016/6/95—G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 8 मार्च, 1996

का.आ. 856.—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि इन्डोगल्फ गैस टर्मिनल से मालविका स्टील, जगदीशपुर, उत्तरप्रदेश राज्य तक पैट्रोलियम और प्राकृतिक गैस परिवहन के लिए पाइपलाइन गैस अथार्टी आफ इंडिया लिमिटेड द्वारा बिलाई जानी चाहिए।

और, चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिलाने के प्रयोजन के लिए एसद्वाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः, अब, पैट्रोलियम और खनिज पाइपलाइन (भूमि के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अंजित करने का अपना आसय एतद्वारा घोषित करती है।

वर्षतः कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उक्त भूमि के तीव्रे पाइप लाइन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथार्टी आफ इंडिया लिमिटेड ए-14, पी.डी.आई.एल. बिल्डिंग, सेक्टर-1, नौएडा, उ.प्र., को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनाफाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

वाद-अनुमूली

इण्डोगल्फ गैस टर्मिनल से मालविका स्टीत टर्मिनल जगदीशपुर पाल्प लाइन प्रोजेक्ट

जिला	तहसील	परगना	नौजा	गाठा सं.	अर्जित खेत्र. (एकड़ हे.)	अन्य विवरण
1	2	3	4	5	6	7
रायबरेली	तिलोई	इन्होना	बनभरिया	1516	0.4110	
				1515	0.0390	
				1517	0.1700	
				1563	0.0112	
				1564	0.0440	
				1565	0.0195	
				1566	0.1530	
				1562	0.0060	
				1559	0.0960	
				1587	0.0540	
				1558	0.1262	
				1556	0.0430	
				1557	0.0580	
				1520	0.0056	
				1548	0.1956	
				1521	0.3600	
				1545	0.0040	
				1525	0.0630	
				ब	0.1300	
				679	0.0024	
				1523	0.0795	
				680	0.0336	
				681	0.2300	
				682	0.0672	
				683	0.0192	
				684	0.0180	
				685	0.0480	
				641	0.0480	
				642	0.0143	
				643	0.0168	
				645	0.0016	
				640	0.1690	
				646	0.0240	
				636	0.1218	
				637	0.0480	
				649	0.0575	
				633	0.0432	
				635	0.0606	
				696	0.0488	
				634	0.2165	

1	2	3	4	5	6	7
		वनभरिया	621	0. 0620		
			622	0. 0226		
			620	0. 0342		
			619	0. 1050		
			618	0. 0715		
			617	0. 0660		
			616	0. 0672		
			सङ्क फतेपुर	0. 0600		
			615	0. 0980		
			710	0. 0218		
			606	0. 1220		
			712	0. 1610		
			1351	0. 0048		
			1349	0. 1036		
			1352	0. 0012		
			1350	0. 0516		
			1348	0. 0360		
			1355	0. 1320		
			1344	0. 0068		
			1356	0. 1176		
			1357	0. 0700		
			1358	0. 1940		
			3359	0. 1200		
			1381	0. 2800		
			1332	0. 0635		
			1372	0. 0702		
			1368	0. 0540		
			1369	0. 0541		
			1371	0. 0008		
			1370	0. 0209		
			1361/1(नाला)	0. 0420		

कुल योग 71 5. 6715 हेक्टेयर

14. 0143 एकड़
22 बीघा—08 बिस्ता—10 बिस्तासी

[सं. एल. 14016/6/95-जी.पी.]
अर्धेन्दु सेन, निदेशक,

New Delhi, the 8th March, 1996

S.O. 856 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Indo Gulf Gas Terminal to Malvika Steel, Jagdishpur in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose for laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., A-14, PDIL Building, Sector-I, Noida, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE-SCHEDULE

INDOGULF GAS TERMINAL TO MALVIKA STEEL TERMINAL JAGDISHPUR PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired area in (Hec./Acres)	Remarks
1	2	3	4	5	6	7
Rai-Bareilly	Teloi	Enhona	Banbhariya	1516	0.4110	
				1515	0.0390	
				1517	0.1700	
				1563	0.0112	
				1564	0.0440	
				1565	0.0195	
				1566	0.1530	
				1562	0.0060	
				1559	0.0960	
				1587	0.0540	
				1558	0.1262	
				1556	0.0430	
				1557	0.0580	
				1520	0.0056	
				1548	0.1956	
				1521	0.3600	
				1545	0.0040	
				1525	0.0630	
				B	0.1300	
				679	0.0024	
				1523	0.0795	
				680	0.0336	
				681	0.2300	
				682	0.0672	
				683	0.0192	
				684	0.0180	
				685	0.0480	
				641	0.0480	
				642	0.0143	
				643	0.0168	
				645	0.0016	
				640	0.1690	
				646	0.0240	
				636	0.1218	
				637	0.0480	
				649	0.0575	
				633	0.0432	
				635	0.0606	
				696	0.0488	
				634	0.2165	
				621	0.0620	
				622	0.0226	
				620	0.0342	
				619	0.1050	
				618	0.0715	
				617	0.0660	
				616	0.0672	
				Road Fatehpur	0.0600	
				615	0.0980	
				710	0.0218	
				606	0.1220	
				712	0.1610	

Banbharya	1351	0.0048
	1349	0.1036
	1352	0.0012
	1350	0.0516
	1348	0.0360
	1355	0.1320
	1344	0.0068
	1356	0.1176
	1357	0.0700
	1358	0.1940
	1359	0.1200
	1381	0.2800
	1332	0.0635
	1372	0.0702
	1368	0.0540
	1369	0.0541
	1371	0.0008
	1370	0.0209
	1361/1 (Nala)	0.0420
Grand Total	71	5.6715 Hectares
OR		14.0143 Acres
OR		22 BIGHA-08 BISWAN- 10 Biswansi

[No. L-14016/6/95—G.P.]
ARDHENDU SEN, Director

तर्द विली, 8 मार्च, 1996

का. ग्रा. 857.—कूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि इण्डोमल्फ गैस टर्मिनल से मालविका स्टील, जगदीशपुर उत्तर प्रदेश राज्य तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस प्रयाँस्टी आँफ इंडिया लिमिटेड द्वारा बिलाई जानी चाहिए।

और कूंकि यह प्रतीत होता है कि ऐसी बाइन की विद्युत के लिए प्रदूषक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 60) की धारा 3 की उपाया (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतदद्वारा घोषित करती है।

बताते कि उक्त भूमि में ड्रिलिंग कोर्ड व्यक्ति, उस भूमि के नीचे पाइपलाइन बिलाने के लिए आक्षेप स्थान अधिकारी, गैस प्रयाँस्टी आँफ इंडिया लिमिटेड पा-14, पी. शी. आई.एल., बिलिंग, सेक्टर-1, नोएडा, उ.प्र., को इस अधिसूचना की नारीश में 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनबाई व्यक्तिगत हो या किसी विधि अवसाधी की माफर्त।

बाद अनुसूची

इण्डोमल्फ टर्मिनल से मालविका स्टील टर्मिनल जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मोजा	गांठा सं.	अर्जित क्षेत्र (एकड़/हेक्टेर)	अन्य विवरण
1	2	3	4	5	6	7
राज्यवरेली	मिलोई	इन्होना	कठोर	2028	0.3860	
				2027	0.1456	
				2029	0.1190	

1	2	3	4	5	6	7
रायबरेली	तिलोद	इन्होना	कठोरा	2030	0. 1619	
				2031	0. 1251	
				2032	0. 0474	
				2051	0. 1640	
				2052	0. 0040	
				2050	0. 0507	
				2047	0. 0543	
				2048	0. 0128	
				2049	0. 2120	
				2066	0. 1386	
				2065	0. 1510	
				2116	0. 0140	
				2119	0. 2730	
				2138	0. 2090	
				2140	0. 0400	
				2137	0. 0396	
				2143	0. 0320	
				2144	0. 2100	
				2145	0. 0540	
				2153	0. 3550	
				2124	0. 0160	
				2154	0. 2352	
				2155	0. 0540	
				2156	0. 0840	
				1603	0. 0045	
				1604	0. 0065	
				1605	0. 0108	
				ए	0. 1110	
				1602	0. 0288	
				2158	0. 1200	
				2159	0. 0450	
				1601	0. 0810	
				(रास्ता लखनऊ सुल्तानपुर)		
				969	0. 0527	
				नाला	0. 0080	
				2139	0. 0240	
			योग	38	3. 8795	हैक्टेयर

9. 586 एकड़ या
15 नींवा 06 बिस्ता 14. 20 विस्वासी

New Delhi, the 8th March, 1996

S.O. 857 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Indo Gulf Gas Terminal to Malvika Steel, Jagdispur in Uttar Pradesh state pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., A-14, PDIL Building, Sector-1, Noida U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by his practitioner.

CASE SCHEDULE

INDO GULF GAS TERMINAL TO MALVIKA STEEL TERMINAL JAGDISHPUR PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired area in (Hec/Acres)	Remarks
1	2	3	4	5	6	7
Rai-Bareilly	Taloi	Enhona	Kathora	2028	0.3850	
				2027	0.1456	
				2029	0.1190	
				2030	0.1619	
				2031	0.1251	
				2032	0.0474	
				2051	0.1640	
				2052	0.0040	
				2050	0.0507	
				2047	0.0543	
				2048	0.0128	
				2049	0.2120	
				2066	0.1386	
				2065	0.1510	
				2116	0.0140	
				2119	0.2730	
				2138	0.2090	
				2140	0.0400	
				2137	0.0396	
				2143	0.0320	
				2144	0.2100	
				2145	0.0540	
				2153	0.3550	
				2124	0.0160	
				2154	0.2352	
				2155	0.0540	
				2156	0.0840	
				1603	0.0045	
				1604	0.0065	
				1605	0.0108	
				A	0.1110	
				1602	0.0288	
				2158	0.1200	
				2159	0.0450	

1	2	3	4	5	6	7
			Kathora	1601 (Road LKO) Sultanpur	0.0810	
				969	0.0527	
				Nala	0.0080	
				2139	0.0240	
			Total	38	3.8795	

9.586 Acre

or

15 Bigha 06 Biswan 15.20 Biswansi

[No. L-14016/6/95-G.P.]

ARDHENDU SEN, Director

कृषि मंत्रालय
(कृषि अनुसंधान तथा शिक्षा विभाग)
नई दिल्ली, 26 फरवरी, 1996

का. आ. 858.—केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग, गजबापा (संघ) के शासकीय प्रयोजनों के लिए प्रयोग (नियम 1976) के नियम 10 के उपनियम (4) के अनुसरण में एतद द्वारा भारतीय कृषि अनुसंधान परिषद के केन्द्रीय समझी भारतीयकी अनुसंधान संस्थान, कोन्निच (केरल जिसके 80%) से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या 13/5/95 हिन्दी]

आर. पी. सरोज, अवर मन्त्रिव

MINISTRY OF AGRICULTURE
(Dept. of Agril. Res. & Education)
New Delhi, the 26th February, 1996

S.O. 858.—In pursuance of Sub-Rule 4 of Rule 10 of the Official Language (Use of Official purpose of the Union) Rule 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research & Education hereby notifies the Central Marine Fisheries Research Institute, Cochin (Kerala) an Institute of ICAR, where more than 80 percent of Staff have acquired the working knowledge of Hindi.

[No. 13-5/95-Hindi]
R. P. SAROJ, Under Secy.

नागर विमानन श्रीर पर्यटन मंत्रालय
(नागर विमान विभाग)

नई दिल्ली, 13 फरवरी, 1996,

का. आ. 859.—केन्द्रीय सरकार गजबापा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में नागर विमानन तथा पर्यटन मंत्रालय (नागर विमानन विभाग) के प्रशासनिक नियंत्रणाधीन नागर विमानन महा निदेशालय के

अंतर्गत निम्नलिखित कार्यालयों को जिसके कर्मचारी वृद्ध ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है—

1. नागर विमानन विभाग, निदेशक विमान सुरक्षा का कार्यालय दिल्ली धोत्र मफदगंग हवाई अड्डा नई दिल्ली।
2. नागर विमानन विभाग क्षेत्रीय नियंत्रक विमान सुरक्षा का कार्यालय कलकत्ता धोत्र कलकत्ता हवाई अड्डा कलकत्ता।
3. नागर विमानन विभाग प्रभारी अनुदेशक का कार्यालय ग्लाउडिंग केन्द्र पूर्ण।
4. नागर विमानन विभाग, निदेशक उड़ानयोग्यता का कार्यालय मुंबई हवाई अड्डा मुंबई।
5. नागर विमानन विभाग, क्षेत्रीय नियंत्रक विमान सुरक्षा का कार्यालय मुंबई हवाई अड्डा मुंबई।
6. नागर विमानन विभाग नियंत्रक उड़ानयोग्यता का कार्यालय पटना हवाई अड्डा पटना।

[संख्या-४. 11011/6/88 -हिन्दी]
रघुनाथ महाय, निदेशक (गजबापा)

MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 13th February, 1996

S.O. 859.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of Directorate General of Civil Aviation under the administrative control of Ministry of Civil Aviation and Tourism (Department of Civil Aviation) the staff of which have acquired the working knowledge of Hindi.

1. C.A.D., Office of the Director of Air Safety, Delhi Region, New Delhi.
2. C.A.D., Office of the Regional Controller of Air Safety, Calcutta Region, Calcutta Airport, Calcutta.
3. C.A.D., Office of the Instructor-in-charge, Gliding Centre, Pune.
4. C.A.D., Office of the Director of Airworthiness, Mumbai Airport, Mumbai.

5. C.A.D., Office of the Regional Controller of Air Safety, Mumbai Airport, Mumbai.
 6. C.A.D., Office of the Controller of Air worthiness, Patna Airport, Patna.

[No. E. 11011/6/88-Hindi]
 RAGHUNATH SAHAJ, Director (O.L.)

(रेलवे मंत्रालय)

रेल वोर्ड

नई दिल्ली, 4 मार्च, 1996

का. न्रा. 860.—केन्द्रीय सरकार मरकारी स्थान (अधिकारी की वेदाखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे दी गई सारणी के स्तम्भ (1) में, उल्लिखित अधिकारी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी के रैक समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजनार्थ संपदा अधिकारी नियुक्त करती है जो उक्त सारणी के स्तम्भ (2) की तत्वानी प्रविष्टि में विविदप्रति मरकारी स्थानों की दावत अपनी अधिकारिता की स्थानीय

MINISTRY OF RAILWAYS
 (RAILWAY BAORD)

New Delhi, the 4th March, 1996.

S.O. 860:—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the table below, being an Officer equivalent to the rank of gazetted officer of the Central Government, to be estate officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the table,—

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Registrar, Centre for Railway Information Systems, Chanakyapuri, New Delhi.	Office premises and residential house under the administrative control of the Centre for Railway Information Systems, Chanakyapuri, New Delhi.

[File No. 82/W2/14/4]
 S. SURYANARAYANAN, Secy.

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 24th January, 1996

का. न्रा. 861.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में दूरदर्शन महानिदेशालय (सूचना एवं प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालय को जिनके 80% से अधिक कर्मचारीवृद्धि में हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. दूरदर्शन अनुरक्षण केन्द्र, उदयपुर।
2. दूरदर्शन उच्च शक्ति प्रेषित थाटीपुर गालियर।
3. दूरदर्शन अनुरक्षण केन्द्र, राजमंडी।
4. दूरदर्शन अल्प शक्ति प्रेषित, दमन।

[संख्या ई-11011/1/93-हिन्दी]

एम. एम. कटारिया, निदेशक (राजभाषा)

सोमामों के भीतर उक्त अधिनियम के द्वारा या उसके अधीन संपदा अधिकारी को प्रवत्त शक्तियों का प्रयोग और उसके अधिरोपित कर्तव्यों का निर्वहन करेगा।

मारणी

अधिकारी का पदनाम	सरकारी स्थानों के बर्ग और क्षेत्राधिकार की स्थानीय सीमाएं
1	2

राजस्टार, रेलवे सूचना प्रणाली रेलवे सूचना प्रणाली केन्द्र, केन्द्र, चाणक्यपुरी, नई दिल्ली। चाणक्यपुरी, नई दिल्ली के प्रशासनिक नियंत्रण के अधीन आनेवाले कार्यालय परिसर तथा आवासीय मकान

[फा. सं. 82/डब्ल्यू 2/14/4)]
 एस. सूर्यनारायण, सचिव

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 24th January, 1996

S.O. 861.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notify the following Offices of the Doordarshan (Ministry of Information & Broadcasting), the staff whereof more than 80 percent have acquired the working knowledge of Hindi:—

1. Doordarshan Maintenance Centre, Udaipur.
2. Doordarshan High Power Transmitter, Thatipur, Gwalior.
3. Doordarshan Maintenance Centre, Rajmundry.
4. Doordarshan Low Power Transmitter, Daman.

[No. E-11011/1/93-Hindi]
 S.S. KATARIA, Director (O.L.)

श्रम मंत्रालय

नई दिल्ली, 4 फरवरी, 1996

का.आ. 862.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार बूद्धी चित्तीड़गढ़ क्षेत्रीय ग्रामीण बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-12012/42/91-आईआरबीआई]

पी. जे. माईकल, ईस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 4th February, 1996

S.O. 862.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bundi-Chittorgarh Kshetriya Gramin Basts, Kota, in the industrial dispute between the employers in relation to the management of Bundi-Chittorgarh Kshetriya Gramin Basts, Kota and their workman, which was received by the Central Government.

[No. L-12012/42/91-IR B1]
P. J. MICHAEL, Desk Officer

अनुबंध

न्यायाधीश, श्रीयोगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./
निर्देश प्रकरण फलांक : श्री. न्या. (केन्द्रीय) — 10/91
दिनांक स्थापित : 1/7/91

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश
फलांक एल- 12012/42/91-आई.आर. (वी-3)
दि. 18-6-92

श्रीयोगिक विवाद अधिनियम, 1947

मध्य

कैलास अन्दर पुल जगद्वारा प्रसाद
द्वारा क्षेत्रीय मंत्री, दिल्ली मजदूर सभा, बंगली कोली ती, कोटा।

—प्रार्थी श्रमिक

एवं

प्रध्यक्ष, बूद्धी चित्तीड़गढ़ क्षेत्रीय ग्रामीण बैंक, खोजा गेट
प्रधान कार्यालय फोस्ट-बॉक्स सं. 20 बूद्धी।

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान,

आर.एच.जे.एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि— श्री एन. के. तिवारी
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि— श्री एम.सी. गुप्ता
प्रधिनियम दिनांक : 1/11/95

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निर्देश श्रीयोगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त “अधिनियम” से सम्बोधित किया जायेगा) की धारा 10(1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनियमार्थ सम्प्रेषित किया गया है :—

“Whether the action of the Bank of Bundi-Chittorgarh Kshetriya Gramin Basts, Kota, in terminating the services of Shri Kailash Chander So Jagdamba Prasad, Driver w.e.f. 1-6-86 is legal and justified ? If not, to what relief the concerned workman is entitled to and from what date?”

2. निर्देश न्यायाधिकरण से प्राप्त होने पर वर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी जिस पर दोनों पक्षों ने अपनी ओर से अपने-अपने अध्यावेदन प्रस्तुत किये।

3. आज दोनों पक्षों के प्रतिनिधिगण उपस्थित हुए। प्रार्थी स्वयं उपस्थित नहीं है और न उसकी ओर से कोई कारण बताया गया है जबकि आज उससे जिरह हेतु अन्तिम अवसर दिया गया था, अतः प्रार्थी की साक्ष्य बन्द की जाती है। प्रतिपक्षी भी अपनी ओर से कोई साक्ष्य प्रस्तुत नहीं कर सक्ष्य समाप्त करते हैं। बहस पक्षकारों की सुनी गयी व पत्रावली का अवलोकन किया गया। पत्रावली के अवलोकन से स्पष्टप्रकट होता है कि प्रार्थी की ओर से अपने कथन क्लेम समर्थन में कोई साक्ष्य प्रस्तुत नहीं की गयी है जिससे कि उसके कथन की पुष्टि हो सके, अतः साक्ष्य के अभाव से प्रार्थी कोई राहत प्राप्त करने का अधिकारी नहीं है और भारत सरकार, श्रम मंत्रालय द्वारा सम्प्रेषित निर्देश को इसी प्रकार उत्तरित किया जाता है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थी भिजवाया जावे।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 26 फरवरी, 1996

का.आ. 863.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक श्री अंग महाराष्ट्र के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-2-96 को प्राप्त हुआ था।

[संख्या एल-12012/310/91-आईआरबीआई]
पी. जे. माईकल, ईस्क अधिकारी

New Delhi, the 26th February, 1996

S.O. 863.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on the 26-2-96.

[No. L-12012/310/91-IRBI]
P.J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)
Case Ref. No. CGIT/LC(R)(62)/1992

BETWEEN

Shri D. V. Panchkawade, Clerk, represented through the General Secretary, Union of Maharashtra Bank Employees, 542, Congress Nagar, Nagpur (MS)-440012.

AND

The Asstt. Manager, Bank of Maharashtra, Mahabank Bhawan, Abhyankar Road, Sitabuldi, Nagpur (MS)-440012.

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Union—Shri S. T. Sahastrabuddhe.

For Management—Shri Mohan Vojhala, A.M. (P).
INDUSTRY : Banking DISTRICT : Nagpur (MS)

AWARD

Dated, the 7th February, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/310/91-IR (B-II) dated 30-3-1992, for adjudication of the following industrial dispute :—

SCHEDELE

"Whether the action of the management of Bank of Maharashtra by awarding punishment of warning to Shri D. V. Panchkawade, Clerk, is justified ? If not, to what relief is the workman entitled to ?"

2. Admitted facts of the case are that the workman, Shri D. V. Panchkawade, is working as a Clerk and the Disciplinary Authority awarded the punishment of warning against the workman as per provisions of Cl. 19.12(e) of the Bipartite Settlement. It is also an admitted fact that no chargesheet was issued to the workman nor the departmental enquiry was conducted against the workman. It is also the common ground that the workman and his representative appeared before the Disciplinary Authority and the Disciplinary Authority issued the final order dated 24-5-1989 under Cl. 19.7(j) of the B.P. Settlement awarding the punishment of warning that the appeal dated 5-7-1989, was referred by the workman and after hearing the parties the Appellate Authority issued the order dated 30-3-1990 confirming the punishment of warning. It is also not in dispute that the alleged misconduct against the workman was his failure to show proper consideration or the courtesy or attention towards officers and customers while on duty, and that the misconduct was minor.

3. The case of the workman is that the Disciplinary Authority has proceeded against the workman vide Part I of Para 19.12(e) of the Bipartite Settlement dated 19-11-79 because the proposed punishment of warning was not offered to the workman. The workman has alleged that the action of the Disciplinary Authority was without giving reasonable opportunity of defence and it was colourable exercise of powers; that the Disciplinary Authority initiated the proceedings on the Branch Manager's letter dated 9-7-88 and this letter was never supplied to the workman and the explanation of the employee was never sought which was resulted in serious prejudice to the workman to defend

the case. The workman has prayed to declare the impugned punishment as illegal and unjustified.

4. The case of the management is that the workman was charged for minor misconduct and the punishment proposed in the show notice was warning or censor and as it is clear that such the Disciplinary Authority has proceeded against the workman vide Part II of Para 19.12(e) of the Bipartite Settlement dated 19-11-1979; that the Disciplinary Authority has served show cause notice proposing the punishment of warning; that the management gave opportunity to the workman to submit his written statement of defence and the opportunity to the workman was provided to go through the documents and material on which the charge was based; that the workman availed the opportunity of hearing; that the Disciplinary Authority has strictly followed the principles of natural justice in awarding reasonable opportunity of defence to the workman and the action of the Disciplinary Authority was unbiased, legal and valid.

5. Reference was made the issue in the case.

6. Parties have not led any evidence and they have admitted the documents filed in the case. Argument were heard.

7. The Disciplinary Authority vide Notice dated 13-10-1988 (Marked Annexure D, gave the details of the misconduct alleging that it was minor in nature and also informed the workman that the management proposes the punishment of warning. Consequently, the Disciplinary has rightly proceeded against the workman under Cl. 19.12(e), Pt. II, of the Bipartite Settlement dated 19-11-1979.

8. The only point for consideration is whether the reasonable opportunity to the workman to defend the case was provided as per Cl. 19.12(e), Pt. II of the Bipartite Settlement dated 19-11-1979 ?

9. From the statement of claim, it is clear that the workman has alleged that Part II of Sub-clause (e) of Cl. 19.12, of the Bipartite Settlement was not observed in letter spirit by the Disciplinary Authority which has resulted in the violation of the principles of natural justice. Part II of Sub-clause (e) of Cl. 19.12, of the Bipartite Settlement makes it incumbent on the Disciplinary Authority firstly that the employee shall be given an opportunity to submit his written statement and secondly that for the purpose of submitting the written statement of defence the Disciplinary Authority will provide access to the documents and material to the workman on which the charge is based.

10. It is not in dispute that the workman has not filed the written statement of defence before the Disciplinary Authority. It is not recorded in the proceedings that the workman has refused to file the written statement of his defence. There is no evidence on record that the workman was shown the documents and material to file his written statement of defence. Even in the letter dated 13-10-1988 the Disciplinary Authority has not given the intimation to the workman of his right to have access or inspection to the documents and material before filing the written statement. Unless, it is recorded that the workman has refused to file the written statement of defence and the workman declined to have access to the impugned documents and material on which charge was based, it cannot be presumed that the workman has wilfully avoided to avail the opportunity provided under Part-II of Sub-clause 19.12 (e) of the B.P. Settlement. In case where the punishment is to be provided without holding the enquiry the Disciplinary Authority should in words follow the salutary provisions of Pt. II, Sub-clause 19.12(e) of the Bipartite Settlement.

11. The written statement of defence of the workman is required to appreciate the case by the concerned authority and other authorities having the power of judicial review. Violation of the salutary provisions of Pt. B of Sub-clause 19.12(e) Part II of the Bipartite Settlement has resulted miscarriage of justice and the action of the management is liable to be set aside.

12. Consequently, it is held that the action of the management of Bank of Maharashtra by awarding punishment of warning to the workman, Shri D. V. Panekwade, is declared illegal and unjustified. Reference is answered in favour of the workman. Management shall pay Rs. 1,000 (Rupees One Thousand) to the workman as costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 26 फरवरी, 1996

का.आ. 864.—श्रीदीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतत्व के सबद्ध भियोजकों और उनके कम्बारों के बीच, अनुबंध में निर्दिष्ट श्रीदीयोगिक विवाद में केन्द्रीय सरकार श्रीदीयोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-2-96 को प्राप्त हुआ था।

[संख्या एल-12012/316/88-आईआरबीआई]
पी. जे. मार्डिकल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 26th February, 1996

S.O. 864.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employees in relation to the management of SBI and their workmen, which was received by the Central Government on 26-2-1996.

[No. L-12012/316/88-IR (B-1)]
P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR (COURT, JABALPUR (MP))

Case Ref. No. CGIT/LC(R)(122)/1988
BETWEEN

Shri Durga Prasad Nahar C/o Shri D. P. Tiwari, General Secretary, Bhartiya Bank Employees Union, Behind Krishnapur Mandi, Jabalpur (MP)-482002.

AND

Regional Manager, Region I, State Bank of India,
Marhatal, Jabalpur (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For workman—Shri A. K. Shashi, Advocate.

For Management—Shri R. Majididutta, Advocate.

INDUSTRY : Banking DISTRICT : Jabalpur (MP)

AWARD

Dated, the 1st February, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/316/88-D.III A) dated 18th November, 1988, for adjudication of the following industrial dispute :

SCHEDULE

“क्या भारतीय स्टेट बैंक के जबलपुर/म.प्र./ के प्रबन्धकों द्वारा थीं दुर्गा प्रसाद नहार स्वीपर को अपने आदेश दिनांक 16-10-80 द्वारा नौकरी से निकालने जाने की कार्यवाही न्यायीचित् है, यदि नहीं तो, संबंधित कर्मकार किस अनुलोद्य का हकदार है।”

2. Admitted facts of the case are that the workman, Shri Durga Prasad Nahar, was employed in Katni Branch of the State Bank of India as Sweeper. It is further admitted that the chargesheet was issued against the workman on 19-12-1983 on the allegation that he had committed misconduct by abetting and aiding one Shri A. K. Srivastava in an attempt to commit forgery and cheating to cheat the management to the tune of Rs. 14,000; that the workman was dismissed from service vide order dated 14-5-1987.

3. The case of the workman is that the false allegations were cooked up against the workman of an attempt to cheat the Bank to the tune of Rs. 14,000. The workman has further alleged that the Enquiry Officer has not provided him the sufficient opportunity to defend the case; that there is no evidence on record to prove the misconduct; that the workman was illegal dismissed from the service and therefore he be reinstated with consequential benefits.

4. The case of the management is that the workman was employed as a Sweeper in Katni branch of the State Bank of India; that on 17-7-80 the workman presented the Savings Bank Withdrawal Form for Rs. 14,000 for payment signed by one Vinay Kumar Jain and the token along with the ledger was produced by the workman to the Passing Officer and then to the Manager; that it was found that the Withdrawal Form was forged by one Shri A. K. Srivastava, Agriculture Assistant and the workman in collusion with Shri A. K. Srivastava made an attempt to withdraw the money; that in the Savings Bank Account of Shri Vinay Kumar Jain, the balance was of Rs. 3 only and the signatures of the said Vinay Kumar Jain was denied by Shri Vinay Kumar Jain, that the Enquiry Officer provided full opportunity to the workman to defend his case; that the misconduct is fully proved and he dismissal of the workman is not against the proved misconduct.

5. Following are the issue in the case :—

ISSUES

1. Whether the enquiry is just, proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?
3. Whether the charges of misconduct are proved on the facts of the case ?
4. Whether the punishment awarded is proper and legal ?
5. Relief and costs ?

6. Issue No. 1 and 2.—Domestic Enquiry was held just, proper and legal vide order dated 31-1-1995.

7. Issue No. 3.—From the statement of Shri R. K. Khatri (PW-1) and Shri Gupta (PW-2) and also from the statement of Kamal Nain (PW-6) who was employed in the Bank at the relevant time, it is clear that the workman, Durga Prasad Nahar, who was working as Sweeper in the Bank submitted the Withdrawal Form for Rs. 14,000 and the workman produced the Ledger and the Token before the Passing Officer. Complainant, Shri Vinay Kumar Jain (PW-5) has stated that the workman, Durga Prasad Nahar, came to his shop and picked him on his scooter to Shri Srivastava and there he was asked by them to collect Rs. 14,000 from the Bank.

8. From the cross-examination of the witnesses of the management, it is clear that the workman has not assailed the story of the management that in the Saving Bank Account of Shri Vinay Kumar Jain (PW-5) the balance was only Rs. 3 and that the Withdrawal Form for Rs. 14,000 and Token and Ledger Book was produced before the Passing Officer for payment of the said amount.

9. The point in issue is whether the workman, Shri Durga Prasad Nahar, was responsible for the alleged attempt to cheat the Bank to the tune of Rs. 14,000.

10. The workman has not given any explanation of the doubtful conduct of bringing the complainant, Shri Vinay Kumar Jain, from his house and then producing the fake Withdrawal Form. Workman, Durga Prasad, was working as Sweeper and it was not his business to fetch Token and

Ledger. Workman took the complainant, Shri Jain, to the principal accused, Shri Srivastava. The conduct of the workman on 17-7-80 and his association with the complainant right from the beginning of fetching the complainant, Shri Jain, till producing the Ledger and Token amply shows the complicity of workman in conspiracy to illegally withdraw Rs 14,000 from the Bank.

11. The Hon'ble Supreme Court while dealing with the proof required in case of conspiracy has observed in case of Shivanarayana Laxminarayan Joshi and others Vs. State of Maharashtra (AIR 1980 SC p. 439) that the conspiracy is always hatched in secrecy and it is impossible to adduce direct evidence to prove the conspiracy and that it can be proved largely from the inferences drawn from acts or illegal omission committed by the conspirators in pursuance of a common design.

12. The workman was a Sweeper in the Bank and it was not his duty to produce the Withdrawal Form and then present it before the Passing Officer with Ledger and Token and in the back drop of the fact that the workman did all these facts after bringing Shri V. K. Jain from the shop and after consultation with the co-conspirator, Shri Srivastava, it is clear that the workman was involved in the conspiracy to cheat the Bank of the sum of Rs. 14,000.

13. From the above discussion, it is clear that the finding of the learned Enquiry Officer that the workman, Shri Durga Prasad Nehar, was the member of the conspiracy to cheat the Bank to the tune of Rs. 14,000 is just and proper. Learned Enquiry Officer has dealt the statement of all the witnesses of the Bank in detail and he has discussed the definite evidence. Finding of the learned Enquiry Officer of the misconduct is confirmed. Issue No. 3 is answered in favour of the management.

14. Issue No. 4 and 5.—The action of the management in dismissing the workman from the service is in accordance with the proved misconduct and therefore justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY Presiding Officer

नई दिल्ली, 26 फरवरी, 1996

का. श्रा. 865.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धनातंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, जश्वलपुर के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 26-2-96 को प्राप्त हुआ था।

[संख्या प्रल-12012/221/87-आई.आर.बी.आई.]
पी.जे. माईकल, डैम्पक अधिकारी

New Delhi, the 26th February, 1996

S.C. 865.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on the 26-2-96.

[No. L-12012/221/87-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)
CASE REF. NO. CGIT/LC(R)(31)/1988

BETWEEN

Shri Ram Asrey S/o Gorelal, Sweeper, 230 Yadav Sadan, Durga Colony, Ranganga, Bhopal (MP).

AND

The Office Manager, State Bank of India, Local Head Office, Hoshangabad Road, Bhopal (MP).

PRESIDED IN : Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri R. Menon, Advocate.

For Management : Shri Maindiddita, Advocate.

INDUSTRY : Banking

DISTRICT : Bhopal (MP)

AWARD

Dated, the 31st January, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/221/87-IRBI(A) Dated 7-3-1988, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of the management of State Bank of India, Local Head Office, Bhopal in discharging their workman Shri Ram Asrey, Sweeper Staff Training Centre Bhopal from service vide Order No. OMD/DAP 3297 dt. 31-7-84 as a measure of punishment is justified? If not, to what relief the workman concerned is entitled?”

2. Admitted facts of the case are that the workman, Shri Ram Asrey, was working as a Sweeper in the Local Head Office of the State Bank of India, Bhopal; that the charge-sheet dated 1-12-1982 was issued against the workman on the allegation that he had abused and beaten Shri Sukhri on 24-9-81; that the Enquiry Officer, Shri S. K. Maindiddita, conducted the domestic enquiry and the workman was discharged from the service with effect from 31-7-84.

3. The case of the workman is that the false allegations were levelled against the workman; that the Enquiry Officer has conducted the enquiry in an illegal manner and the opportunity to the workman was not given to defend his case and that the findings of the Enquiry Officer are perverse.

4. The case of the management is that on 24-9-81 the workman, Shri Ram Asrey, hit and abused the canteen boy of the management, Shri Sukhri; that Shri Sukhri was admitted in the hospital and his eyes were damaged; that the workman participated in the enquiry and adduced the evidence in his defence.

5. Management has alleged that the misconduct against the workman is fully proved and his dismissal from the service was in accordance with the proved misconduct.

6. Following are the issues in the case :—

ISSUES

1. Whether the domestic/departmental enquiry is proper and legal?
2. Whether the punishment awarded is proper and legal?
3. Whether the management is entitled to lead evidence before this Tribunal?
4. Whether the termination/action taken against the workman is justified on the facts of the case?
5. Relief and costs.

7. Issue No. 1 & 3 :—Issue No. 1 & 3 were answered in favour of the management vide order dated 31-1-1995.

8. Issue No. 4 : Management has examined the complainant, Shri Sukhri, as M.W.1 who has stated that when he asked the workman, Shri Ram Asrey, to clean the canteen room, the workman hit the broom on the top of his eye-brow and he was also abusing him; that the eye witnesses of the incident are Deepak Kumar Sahu and Govind Lal Kushwaha who corroborated the statement of the complainant. The last witness of the management, Shri A. K. Belapurkar (M.W. 4) has also stated that the eye of the canteen boy was injured and he was saying that Shri Ram Asrey had hit him with broom. There is sufficient evidence to prove the alleged misconduct against the workman and the learned Enquiry has rightly held the workman guilty of the misconduct.

Issue No. 4 is answered in favour of the management.

9. Issue No. 2 & 5 :—The action of the management in discharging Shri Ram Asrey from the service vide order dated 31-7-84 is held justified. Workman is not entitled for any relief. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 27 फरवरी, 1996

का.आ. 866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीग्राफ के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों द्वारा, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-1996 को प्राप्त हुआ था।

[संख्या एल-40012/24/93—आई.आर (डी.यू.)]
के. वी. बी. उम्मी, डेस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 866.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telegraphs and their workman, which was received by the Central Government on 15-2-96.

[No. L-40012/24/93-IR (DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 54 of 1994

In the matter of dispute between :
Basendra Nath Pandey
S/o Shatrujeet Pandey,
Village Andhya Tola Hatwa,
P.O. Premwali Karmani,
District Deoria U. P.
AND
Sub-Divisional Officer,
Telegraph Sultanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-42012/139/88-D-II (B) dated 3rd October, 1989, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of SDO (Telegraph), Sultanpur in terminating the services of Shri Basendra Nath Pandey S/o Satrujeet Pandey, Casual labour w.e.f. 31-3-89 is legal and justified ? If not, what relief the workman concerned is entitled to ?”

2. In the case 13-9-95 was fixed for filing of statement of Claim by the concerned workman but neither the concerned workman appeared nor any statement of claim was filed despite availing of sufficient opportunities. It therefore appears to me that the concerned workman is not interested in contesting the case.

3. In view of above the reference is answered in affirmative. Consequently the concerned workman is not entitled for any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 फरवरी, 1996

का.आ. 867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ट्रूरकर्शन केन्द्र के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-1996 को प्राप्त हुआ था।

[संख्या एल-42012/139/88-डी-2 (बी)]
के. वी. बी. उम्मी, डेस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 867.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra and their workman, which was received by the Central Government on 15-2-96.

[No. L-42012/139/88-D-II (B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 258 of 1989

In the matter of dispute between :
Ram Bharosey Das,
C/o President I.N.T.U.C. (U.P.),
2/286, Namneir Agra
AND
Installation Officer,
Doordarshan Kendra.
Agra.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-42012/139/88-D-II (B) dated 3rd October, 1989, has referred the following dispute for adjudication to this Tribunal—

“Whether the Installation officer Doordarshan Kendra Agra was justified in terminating the services of Sh. Ram Bharosey w.e.f. 30-11-86 ? If not what relief the workman was entitled to ?”

2. The concerned workman Ram Bharosey has alleged that he was appointed as Security Guard on 2-5-83 and worked upto 30-12-85 with the opposite party Doordarshan Kendra Agra. Thereafter, his services were terminated without compliance of Sec. 25-F of Industrial Dispute Act, 1947. Hence it is illegal.

3. The opposite party, Doordarshan Kendra, has filed reply in which it is alleged that he was taken as employee for fixed period and that his termination came to an end by efflux of time and as such it is not a case of retrenchment. Earlier the concerned workman Ram Bharosey has filed L.C.A. Case No. 151 of 1986 against the opposite party Doordarshan Kendra, opposite party, before this Labour Court, which was dismissed and the applicant was not held to be the workman, hence this issue is barred by principles of Res judicata.

4. In support of his version, the concerned workman Ram Bharosey has filed his affidavit whereas the opposite party has not filed any evidence in rebuttal in spite of opportunities afforded to them.

5. This tribunal vide its finding dt. 6-6-95 has held that this case is not barred by principles of res judicata as in the above mentioned L.C.A. case question of workman was not examined at all. Instead the case was thrown out as the same was not based on any existing right.

6. On merits as has been seen that there is unrebutted evidence of the concerned workman, I see no reason to disbelieve it. Hence, relying upon this it is held that the concerned workman had worked continuously w.e.f. 2-5-83 upto 30-12-85. Since he has not been paid retrenchment compensation and notice pay his termination is bad in law. As such he is entitled for reinstatement, but without back wages as reference has been made at belated stage.

7. The concerned workman shall also get Rs. 200/- as costs of the case.

8. Reference is answered accordingly.

5-2-96

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 फरवरी, 1996

का० आ० 868.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार डब्ल्यू० सो० एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/2/96 को प्राप्त हुआ था।

[मं.एल.-22012/213/93 आई आर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd., and their workmen, which was received by the Central Government on 26-2-1996.

[No. L-22012/213/93-IR CII]
RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (MP)

CASE REF. NO. CGIT/LC(R)(238)/1993
BETWEEN

Shri Lalbachan S/o Panchoo, Tub-loader, Rakhikol Colliery, P.O. Rakhikol, District Chhindwara (MP).

AND

The Manager, Rakhikol Colliery, P.O. Rakhikol, District Chhindwara (MP).

PRESIDED : IN

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri D. N. Tripathy.

For Management : Shri P. Banerjee.

INDUSTRY : Mines Dist. : Chhindwara (MP).

AWARD

DATED : FEBRUARY 5, 1996.

This is a reference made by the Central Government, Ministry of Labour, New Delhi, for adjudication of the following industrial dispute, vide Notification No. L-22012/213/93-IR(C-II) dated 12-11-1993:—

SCHEDULE

“Whether the action of the Manager, Rakhikol Colliery of WCL Kanhan Area, P.O. Rakhikol, Distt. Chhindwara (M.P.) in dismissing the services of Shri Lalbachan S/o Panchoo, tub-loader, w.e.f. 29-2-88 is justified? If not, to what relief the concerned workman is entitled to?”

2. Admitted facts of the case are that the workman was appointed in the year 1976 and he was occupying the quarter of the W.C. Ltd. It is also an admitted fact that the workman was allotted new constructed quarter No. 87 by the Manager of Rakhikol Colliery on the basis of the recommendation of the Housing Committee functioning in the Colliery. It is also a common ground that the workman vacated the old quarter and occupied the new constructed quarter within seven days of the allotment order of the new quarter; that Shri M.M. Chandok, Sr. Personnel Officer, was appointed as Enquiry Officer to enquire the allegation on the workman refusing to obey the order of the management for vacating the newly constructed quarter; it is also not in dispute that the workman participated in the departmental enquiry and the workman was dismissed from the service vide order dated 19-2-1988.

3. The case of the management is that after issuance of the allotment order to the workman, Shri Lalbachan, it was found that his allotment was in violation of the norms laid down because some persons senior to the workman, Lalbachan, were left out; that on the next day allotment order of Shri Lalbachan was cancelled and the workman was informed about the cancellation order; that the workman unauthorisedly occupied the quarter

and he was directed to vacate the quarter within three days, but the workman wilfully disobeyed the order and did not vacate the quarter; that the charges of wilfully disobeying the order proved against the workman and the action of the management in dismissing the workman was just and proper.

4. The workman has denied that the notice of cancellation of the allotment order was served on him. Workman has alleged that the order of the cancellation of the allotment of the quarter was not proper and illegal; that the finding of the Enquiry Officer is not fair; that the punishment awarded to the workman is highly disproportionate and his dismissal from the service is improper and punitive.

5. Following are the issues in the case :—

ISSUES

1. Whether the enquiry is just, proper and legal?
2. Whether the management is entitled to lead evidence before this Tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal?
5. Relief and costs?

6. Issue No. 1 & 2.—The Departmental Enquiry was held just, proper and legal vide order dated 16-5-95 and issues were answered in favour of the management.

7. Issue No. 3.—Managements witness, Dilip Kumar, has stated that on 22-4-87 the newly constructed quarter No. 87 was allotted to the workman, Lalbachan, and he was asked to occupy the new quarter within 7 days. Shri Dilip Kumar (P.W. 1) has further stated that the order of allotment to workman, Lalbachan, was cancelled on 27-4-87 and the information of the cancellation of order was sent through the Peon and also by registered post; that the workman, Lalbachan, forcibly took the possession of the quarter No. 87 on 1-5-87 and the management issued the order dated 2-5-87 to the vacate the new quarter; that the workman, Lalbachan, did not vacate the quarter till 2-6-87 and the charge-sheet was issued against the workman.

8. Management has examined Machav Kumar (P.W. 2), Rambrich (P.W.3) and filed documents to prove the case. There is nothing to show that the workman, Lalbachan, refused to vacate the new quarter No. 87 even after the orders of the management and notice of cancellation order of allotment to the workman, Lalbachan, occupied the new quarter. Consequently, findings of the

Enquiry Officer that the charge of misconduct proved is held just and proper. Issue No. 3 is answered in the favour of the management.

9. Issue No. 4.—It is an admitted fact that the order of allotment of quarter No. 87 was given by the management to the workman, Lalbhacan, that the workman, Lalbachan, has occupied the newly constructed quarter No. 87 after vacating the old quarter as per direction of the management. The possession of the newly constructed quarter was handed over to the workman by the contractor of the management. The learned enquiry officer has also held in para 12 of his enquiry report that the workman, Lalbachan, has occupied the quarter with the assistance of the contractor, D.W.2. Thus, it is wrong to alleged that the workman forcibly took the possession by breaking the lock of quarter No. 87. Third factors in view of the workman is that the management has failed to established that the cancellation of allotment order was on account of the clerical mistake. The mistake of the management in issuing the allotment order was not of serious nature. The charge sheet was issued against the workman only after one month of the order for vacating the new quarter. One can easily perceive sentiments and exhilaration of the workman and his wife and children of vacating a newly constructed quarter after living for a long time in the old quarter. There was no fault on the part of the workman in occupying the newly constructed quarter and in this back ground irrogance of the workman in not leaving the new quarter and going back to the old quarter was purely on account of the humiliation of which the workman and his family was put on account of the mistake and carelessness of the management by asking him to shift in the old quarter. The workman was dismissed for unauthorised occupation of the quarter for a period of only one month.

10. Punishment should not be in outrageous defiance of logic and the quantum of punishment, its conclusive evidence of bias and dictorial attitude of the management. The doctrine of proportionality envisage that such action which shocks the conscious which are unduly harsh should not be allowed to prevail. Consequently, I am of the considered opinion that the action of the management in dismissing the workman from the service on the basis of such a misconduct is held improper and illegal. Issue No. 4 is answered in favour of the workman.

11. Issue No. 5.—The workman has received enough punishment for his disobedience of the order of the management by remaining out of service for a period of six years. The rule of 'no work no pay' is salutary. No pleading or evidence exist of gainful employment of workman. Consequently in my opinion, the workman deserves reinstatement without back wages.

12. Consequently, it is held that the action of the management in dismissing the services of the workman, Shri Lalbachan S/o Panchay, was improper and illegal. Workman is entitled for his reinstatement with continuity of service from the date of the publication of the award. However, the workman will not be entitled for back wages. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

लाई दिल्ली, 27 फरवरी, 1996

का.आ. 869.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक सा आई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-96 को प्राप्त हुआ था।

[म. एल-22012/507/90-लाई आर(सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on the 19-2-1996.

[No. L-22012/507/90-IRC-III]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

INDUSTRIAL DISPUTE NO. 69 OF 1991
In the matter of dispute
BETWEEN

State Secretary,
Bhartiya Khadya Nigam Karamchari Sangh,
Cooperative Food Corporation of India.
Regional Office.
Lucknow.

AND

Senior Regional Manager.
Food Corporation of India.
Habibulla Estate,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-22012/507/90.I.R. (Coal. II) dated 25-4-91 has referred the following dispute for adjudication to this Tribunal :

“Whether the Sr. Regional Manager F.C.I. Lucknow was justified in reverting Sri K. N. Sonkar from T.A-I to T.A-II and also imposing penalty of stoppage of one increment without cumulative effect in present time scale or pay for 1991 vide order dated 31-10-88 and 2-5-1990 respectively in violation of principles of natural justice ? If not, to what relief the workman concerned is entitled ?”

2. As is obvious from the perusal of above reference that validity of two punishment orders is to be examined in it. The first is punishment order dated 31-10-88 by which the concerned workman has been reverted from the post of T.A-I to T.A-II. The second punishment order is dated 2-5-1990 by which stoppage of one increment without cumulative effect has been imposed upon the concerned workman. Both the punishments are based on the result of domestic enquiry. It is unnecessary to examine the details of case regarding punishment order dated 2-5-1990 as on 11-1-1996, the date of arguments, the authorised representative of the concerned workman gave an application that he gives up the challenge upon the above mentioned order. In other words claim regarding punishment dated 2-5-1990 has been not pressed.

3. Now, we may consider the case of the applicant regarding the punishment order dated 31-10-1988.

4. The concerned workman was initially appointed as TA-III on 10-4-1972. In August, 1976, he was promoted as T.A. II whereas he was promoted as TA I on 10-9-1982. In 1983-84, he was posted as T.A.I. at Food Storage Depot, Naini, in District Allahabad. There were in all 10 sheds at this F.S.D. The concerned workman was incharge of Shed No. 5 and 8. On 13-3-1988, he was served with the following chargesheet :—

Said Sri K.N. Sonkar, TA-I while posted and functioning as such at FSD Naini during the period 1983-84 failed to maintain absolute sincerely faithfulness, honesty and also acted in a careless and negligent manner which is unbecoming of Corporation employee in as much he failed to have proper preservation of the wheat stocks stored

at FSD, Naini and due to his gross negligence and lack of proper supervision heavy atta formation as a result of abnormal infestation developed and the stock were down graded beyond reclassification limit and with the unfair intention to coverup his slackness and negligence in preservation, the same stocks were despatched to FSD, Mangalore during 15-2-1984 to 17-2-1984 resulting into destination quality complaints received for 15,675 bags wheat in 32 wagons. The stock were reported in a such deplorable condition that it could not be issued in a normal channel as such without segregation, cleaning and upgradation at destination Food Corporation of India suffered substantial loss of Rs. 20.70 lac.

N. K. Dey was appointed as enquiry officer. After completing enquiry he submitted his report dated nil by which he came to the conclusion that the concerned workman was not responsible in any way. The matter went to disciplinary authority which did not agree with the finding of enquiry officer as such by order dated 31-10-88, Senior Regional Manager inflicted punishment of reversion from post of T.A.-I to T.A.-II. Feeling aggrieved he has raised this industrial dispute against this punishment as we.....

5. In his written statement, the concerned workman has challenged the manner of holding of domestic enquiry and has also challenged the manner of appreciation of evidence by the disciplinary authority in disagreeing with the report of the enquiry officer. In this way validity of the punishment order has been challenged.

6. In their written statement, the management has denied that the enquiry was not fairly and properly held. However, it is alleged that finding of enquiry officer was not proper and as such the disciplinary authority has rightly in exercise of its power under Regulation 59 of FCI (Staff) Regulation 1971, has passed the punishment order.

7. In its rejoinder, the concerned workman has said nothing new.

8. As the main challenge in this reference is to the manner of exercise of powers under Regulation 59 by the disciplinary authority it was felt that there was no need to scrutinize the procedure and fairness of the domestic enquiry. As the powers of disciplinary authority to disagree with the finding of enquiry officer is based on interpretation of Regulation 59 (Supra) both the parties stated that there was no need to adduce evidence.

9. Now, it will be seen if the disciplinary authority was justified in exercise of his power under regulation 59 (supra) to inflict punishment.

10. It is true that under the above provisions the disciplinary authority is fully empowered to disagree with the report of enquiry officer and should arrive at its own conclusion for which reasons ought to be given. It is equally true that these provisions does not require issuance of any notice to the delinquent before arriving at such conclusion. Still in the case of K. No Mishra versus Managing Director, State Bank of India 1991 (63) FLR 921, it has been held by Hon'ble High Court of Allahabad that even in the absence of such Rules principles of Natural Justice requires that a show cause notice should be given to the delinquent before exercise of such powers. In view of this authority alone the impugned order is liable to be set aside as admittedly the concerned workman was not given an opportunity to show cause before the disciplinary authority proceeded to record disagreement with the conclusion of the enquiry officer.

11. On merits too, I am of the opinion, that the reasonings of the disciplinary authority for recording disagreement with the conclusion of the enquiry officer does not sustain the test of reasonableness. Before, the enquiry officer, the management had filed 16 documents. Out of which Ext.P-1 to P-13 related to complaints from Mangalore regarding quality of the stocks. Ext. P-14 to P-16 related to investigation report regarding foodgrain in question. It appears that Hamid Hussain Deputy Manager Quality Control was also examined as P.W.2. The enquiry officer has observed that this witness in his evidence had found no fault in the quality of stocks. In other words he had given clean chit. Further, in this case SIRS was also not submitted which was necessary. Mainly because of this fault and also because of the evidence of the defence witness, the enquiry officer has held that case against the concerned workman was not proved. In other words the concerned workman was not responsible in any way. The disciplinary authority in its order dated 24/31-10-1988 has made following observations :—

The Enquiry Officer has himself concluded that "in the defence brief the present charged official has no where even suggested nay the question of denying that the present charged official had not been responsible for the maintenance of the stocks which had been despatched from Shed under his charge at FSD Naini, to Mangalore attracting quality complaint from the destination by consignee in this case". "Stocks he had maintained had been subjected to despatch during 15-2-1984

to 17-2-1984 from FSD Naini to Mangalore, attracting quality complaints. Hence, it appears *prima facie* that he was responsible for the maintenance of the stocks which later on became substandard and despatched to Mangalore".

It appears that these observations in no way counter reasonings given by the enquiry officer as mentioned above. Further, it is the admitted fact that Food Grain of all the 10 sheds of this FSD was despatched to Mangalore. It cannot be said with certainty as to whether food grain stacked in shed no. 5 and 8 for which the concerned workman was responsible alone contained that food grains. It is quite possible that Food Grain stacked at other sheds would have been of sub-standard quality. In view of this mixing of Food Grain of all the 10 sheds would damage the case of the management against the concerned workman especially for the reasons given by the enquiry officer, the reference of which has been made above.

12. Thus, in view of above discussion, I am of the opinion, that the reasonings given by the disciplinary authority are not based on sound reasonings and as such could not be a foundation for holding the concerned workman responsible.

13. Hence, the conclusion of disciplinary authority are set aside. Consequently the punishment order dated 31-10-1988 reverting the concerned workman from the post of TA.I to TA.II is not justified. Hence, this order is set aside and the concerned workman would be deemed to be TA.I from the date of punishment with all consequential benefits. The concerned workman shall also get Rs. 200 as costs of the case.

14. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 फरवरी, 1996

का.आ. 870.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण, चन्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार 19/2/96 को प्राप्त हुआ था।

[म. एन-42012/41/90-मार्ड आर. (डी. य.)]
राजा लाल, डैस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B. B. M. B. and their workmen, which was received by the Central Government on the 19-2-96.

[No. L-42012/41/90 IR(DU)]
RAJA LAL, Desk Officer

ANNEXURE

In the Court of Sh. S. R. Bansal, Presiding Officer, Central Government, Industrial Tribunal-cum-Labour Court, Chandigarh,

I. D. 185/90.

Ramesh Kumar Workman
Versus

Chief Engineer, Bhakra Dam, Nangal Township, Nangal Management, Present :

Shri R. K. Singh, representative for the Workman.

Shri R. C. Sharda, Representative for the Management.

AWARD

The Central Government, Ministry of Labour, in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947, (hereinafter referred to as the Act) vide their order No. L-42012/41/90.I.R.(D.U) dated 28-11-1990 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management Board, represented through the Chief Engineer, Bhakra Dam, Nangal Township, Dist. Ropar(PB) in terminating the services of Shri Ramesh Kumar, unskilled, mazdoor w.e.f. 30-6-89 is justified. If not to what relief the concerned workman is entitled to and with what effect?"

On receipt of the reference notices were issued to the workman as well as to the Management. The workman appeared and submitted his Statement of claim alleging their in that he joined in the Roads and Colonies Sub-Division of the Management on 14-8-1988 and was engaged as Unskilled Mazdoor to the Railway Sub Division of the Bhakra Mechanical Division, in October, 1988. He was re-engaged on 1-11-1988 in the Roads and Colonies Sub-Division of Bhakra Mechanical Division and remained continuously employed till 30-6-89 when his services were terminated without any prior notice and without any retrenchment compensation. But he had rendered more than 240 days of continuous service. He demanded his reinstatement with continuity of service and back-wages. The plea of the Management however is, that the workman has rendered 210 days of service and that service rendered by him in the Railway Sub-Division and also in the Bhakra Mechanical Division has no relationship to the service rendered by

him in Bhakra Dam Division. The Management pleaded for the rejection of the claim. The workman submitted replication controverting the allegation of the Management as made in the written statement and reiterated his earlier pleas. In support of his case the workman produced WW1 K. L. Premi, Senior Assistant, Bhakra Dam Division who produced Documents Ex. W1, to Ex. W7, copies of the muster rolls of Roads and Colonies Sub-Division of Bhakra Dam Division. Thereafter the workman did not produce any evidence. Learned Rep. of the Workman closed evidence of the workman vide his statement dated 24-1-1996.

As noticed above the workman has only produced copies of the Muster rolls of the Roads and Colonies of the Sub-Division of the Bhakra Dam Division. These documents do not show that the workman has rendered 240 days continuous service in a period of 12 calendar months preceding to the date of termination. The workman has failed to substantiate his claim in the absence of any evidence. This reference is bound to the answered against the workman. I order accordingly.

The appropriate Govt. be informed accordingly.
Dated : 24-1-96
Chandigarh.

S. R. BANSAL, Presiding Officer.

नई दिल्ली, 27 फरवरी, 1996

का.आ. 871.—श्रीदैविक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार छव्वें सी एल के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदैविक विवाद में केन्द्रीय सरकार श्रीदैविक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/2/96 को प्राप्त हुआ था।

[सं. ए.ल-21011/1/88-डी-III(बी)]
राजालाल, डैस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd., and their workmen, which was received by the Central Government on the 26-2-96.

[No. L-21011/1/88 D-III(B)]
RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

CASE REF. NO. CGIT/LC(R)(64)1988
BETWEEN

S|Shri Hashmuddin, Nilkanth Patil and Kawdoo Laxman Sawarkar represented through the Secretary, Koyla Shramik Sabha (HMS)

Union, W.C.L., Umrer Project, P.O. Umrer, Distt. Nagpur (MS).

AND

The Sub-Area Manager, Umrer Project of W.C. Ltd., P.O. Umrer, Distt. Nagpur (MS).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workmen : Shri S. K. Rao, Advocate.
For Management: Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mines DISTRICT : Nagpur(MS)

AWARD

Dated, January 31, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-21011/1/88-D.III(B) Dated 17/30-6-1988, for adjudication of the following industrial dispute :—

THE SCHEDULE

“Whether the Sub-Area Manager, Umrer Project of M|s. W. C. Ltd., Nagpur justified in denying promotion to S|Shri Hashmuddin, Nilkanth Patil and Kawdoo Laxman Sawarkar as Dozer Operators (Group C) w.e.f. 15-9-85. If not, what relief the workmen concerned are entitled to ?”

2. Admitted facts of the case are that S|Shri Hashmuddin, Nilkanth Patil and Kawdoo Laxman Sawarkar were appointed in the Excavation Open Cast Mine of Umrer Project.

3. The case of the workmen is that their co-workers were promoted before the completion of their one year training, but the workmen were denied the promotion on the ground that they had not completed the training of three years. It is further alleged that the juniors were promoted and the management had discriminated in hostile manner the promotion of the workmen on the ground that they had not completed their three years training period. The workmen have alleged that the office order is to the effect that the period of one year training will be required for the promotion to the post of Dozer Operator Gr. II and as such the workmen are entitled to the post of Dozer Operator Gr.II with effect from 15-9-85.

4. The case of the management is that the alleged juniors of the workmen are Ex-military personnel and they were promoted under the special scheme and circumstances. the management has further alleged that the workmen have not completed the requisite experience of three years and as such they were not promoted to Gr. II Operator ; that the colleagues of the workmen had the requisite experience and there was no hostile discrimination against the workmen.

5. Terms of reference was made the issue in the case.

6. The case was posted for the evidence on 21-3-94 Parties have not led any evidence and it was alleged by the parties on 12-1-96 to close the case for award.

7. The workmen have failed to substantiate their claim for promotion as Dozer Operator Gr. C with effect from 15-9-1985. Consequently, it is held that the workmen have failed to prove that the action of the management in denying them promotion as prayed in the reference was not justified. Reference is answered in favour of the management!

No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 27 फरवरी, 1996

का. आ. 872—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन सी एल. के ग्रन्थतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंशोगिक विवाद में केन्द्रीय सरकार आंशोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26 फरवरी 1996 को प्राप्त हुआ था।

[सं. एल-22012/341/89 शाई आर
सी-II एल-22012/285/90. शाई आर (सी-II)]

राजालाल, डैस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of N.C. Ltd. and their workmen, which was received by the Central Government on the 26-2-96.

[No L-22012/341/89-IR. CT/L-22012/285/90-IR-C-II]

RAJA LAL, Desk Officer.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

(1) CASE REF. NO. CGIT/LC(R)(96)|1990

(In respect of Chotelal, workman concerned)

AND

(2) CASE REF. NO. CGIT/LC(R)(239)|1990.
(In respect of Shrikant Sharma, workman concerned)

Both the above cases represented through the General Secretary, M.P. Colliery Kamgar Union, Jayant Sakha, Post Jayant Colliery, District Sidhi (M.P.)-486890.

Versus

The General Manager, Jayant Project of M/s. N.C. Ltd. Post Jayant Colliery, District Sidhi (M.P.)-486890

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Management : Shri R. Menon and Shri A. K. Shashi, Advocate.

For Workmen.—Shri B. K. Mishra.

INDUSTRY : Coal Mines

DISTRICT : Sidhi (M.P.)

AWARD

Dated : 30-1-1996

These are two references made by the Ministry of Labour, Government of India, New Delhi, for adjudication of the industrial dispute as mentioned under the Schedule vide two different notifications dated 30-3-1990 and 10-12-1990 respectively :—

SCHEDULE

[Ref. No. 96/90—referred vide Notification No. L-22012(341)|89-IR(Coal-II) dated 30-3-1990].

“Whether the action of the Management of Jayant Project of M/s. N.C. Ltd. in dismissing Sri Chotelal Driver from service w.e.f. 6-5-1985 is legal and justified? If not, to what relief the workman concerned is entitled?”

SCHEDULE

[Ref. No. 96/90—referred vide Notification No. L-22012(341)|89-IR(Coal-II) dated 30-3-1990].

“Whether the action of the management of General Manager, Jayant Project of NCL in dismissing from services of their workman Shri Srikanth Sharma, Dumper Operator is legal and justified? If not, to what relief the workman is entitled?”

3. Since in both the above cases common questions of facts and law are involved, they will be decided together.

4. Admitted facts of the case are that the workman, Shri Chote Lal Sahu, was working as a Driver and the workman, Shri Srikanth Sharma, was working as Dumper Operator in Jayant Project of M/s. N.C. Ltd., Jayant Colliery, District Sidhi. It is also an admitted fact that the workman, Shri Sharma, was operating Dumper No. 388 and workman, Shri Chotelal, was plying the Truck No. BHV-5766 on the date of incident i.e. 5-4-1985. It is also a common ground that the charge-sheet dated 7-4-1985 was issued against both the workmen for committing theft of the diesel on 5-4-1985 at about 12 midnight; that Shri R. N. Singh, Dy. General Manager, was appointed as the Enquiry Officer and the workmen were held guilty of the charge levelled against them.

5. The case of the workmen is that the false complaint was lodged against the workmen of taking out HSD Oil from the Dumper No. D-388 to the Truck No. BHV-5766 and that the Enquiry Officer has not provided the workmen the required opportunity to defend their case ; that the finding of the Enquiry Officer was perverse and was not based on the proper appreciation of the evidence on record. The workmen have prayed to declare their dismissal order illegal and their reinstatement with full back wages.

6. Case of the management is that on 5-4-1985 at about 12 O'Clock in the night workman, Shri Chote Lal and Shri Srikanth Sharma were seen by Shri A. K. Singh, Foreman and Shri L. B. Yadav that they were committing theft of the HSD Oil from the Dumper ; that Shri A. K. Singh and Shri L. B. Yadav made the report against both the workmen of the theft of the diesel oil. Management has alleged that during the domestic enquiry full opportunity was given to the workmen to defend their case ; that both the workmen have cross-examined the witnesses of the management and adduced the defence evidence. Management has further alleged that the finding of the Enquiry Officer is based on the evidence on record and the dismissal of the workmen was in accordance with the proved misconduct.

7. Following are the issues for determination in both the cases framed on 9-1-1992 by my learned predecessor :—

ISSUES

1. Whether the enquiry is just, proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?
3. Whether the charges of misconduct are proved on the facts of the case ?
4. Whether the punishment awarded is proper and legal ?
5. Relief and costs ?

8. Issue No. 1 & 2.—The domestic enquiry was held just, proper and legal vide order dated 3-5-1995.

9. Issue No. 3.—Shri L. B. Yadav (M.W. 2) has stated that he was working as a Foreman and he along with Shri A. K. Singh, Foreman, went to see the whereabouts of Dumper No. D-388, that they saw that the workman, Shri Srikanth Sharma, was in the Driver Cabin of the Dumper and the workman, Shri Chote Lal, was taking out the diesel from the Diesel Tank of the Dumper. Shri L. B. Yadav (M.W. 2) has further stated that both the workmen were reprimanded by Shri A. K. Singh, Foreman, and the workman, Shri Chote Lal, went away from the place of the incident. Shri L. B. Yadav (M.W. 2) has further stated that the report was lodged by them to the Dy. General Manager, Shri T. R. Gupta.

10. The management has examined Shri Chaturvedi (M.W. 1) who has stated that the Foreman, Shri Yadav, reported him at about 12.45 in the night that the workman, Shri Chote Lal, Driver, was found

unauthorisedly taking out the diesel oil from the Dumper of Shri Srikanth Sharma.

11. From the Log Book of Dumper No. D-388, it is clear that the huge quantity of the diesel was taken out from the Dumper on the alleged date of incident. Explanation of both the workmen was that the Truck of Shri Chote Lal was standing near the Dumper because of the defect in the head light of the Truck. Explanation of the workmen regarding the defect in the head light of the Truck was found by E.O. that it was contradictory and an after thought.

12. Evidence of the material witness, Shri L. B. Yadav, is fully corroborated by the circumstantial evidence and the contradictory defence taken by the workmen. Shri L. B. Yadav (M.W. 2) lodged the report immediately after the incident to the Dy. General Manager. The presence of Shri L. B. Yadav at the place of the incident is admitted by the workmen in their examination. Shri L. B. Yadav was working as a Foreman and his conduct during the incident and after the incident was natural and trust worthy. There is nothing in the cross-examination of Shri L. B. Yadav to doubt the veracity of his statement. Workmen have not produced any evidence to show that Shri L. B. Yadav was enimical to them or that he was interested in framing false charge against the workmen.

13. Consequently, it is held that Shri L. B. Yadav is a trust worthy witness and on the basis of his statement the charge of theft by the workmen is fully proved. Enquiry Officer has rightly held that the oral testimony of Shri Yadav is fully corroborated by the circumstantial evidence in the case and the contradictory defence taken by the workmen. Finding of the learned Enquiry Officer is just and proper. Issue No. 3 is answered in favour of the management.

14. Issue No. 4 & 5.—In view of the serious misconduct of theft by both the workmen, the management has rightly dismissed them from the service.

15. The action of the management in dismissing Shri Chote Lal and Shri Srikanth Sharma from service is held legal and justified. Both the references are answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer.

नई दिल्ली, 27 फरवरी, 1996

का. आ. 873—आौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक सी आई के प्रबन्धांतर के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आौदोगिक विवाद में केन्द्रीय सरकार आौदोगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 फरवरी 1996 को प्राप्त हुआ था।

[सं. एल 22012/459 /90 आई आर सी-II]

राजालाल, डैस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on the 19-2-1996.

[No. L-22012/459/90-IR-CH]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

PANDU NAGAR, KANPUR

Industrial Dispute No. 62 of 1991

In the matter of dispute :

BETWEEN

Executive Member,

Bhartiya Khadya Nigam Karamchari Sangh,
41/417, Janki Bhawan, Narhi, Lucknow

AND

Senior Regional Manager,

Food Corporation of India,
516, Habullah Estate, Hazaratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. 22012/459/90-I.R. (Coal-II) dated 16-9-1991, has referred the following dispute for adjudication to this tribunal :—

Whether the Sr. Regional Manager, FCI Lucknow was justified in imposing the penalty of reversion of Sri Abdul Qayum from AG I to AG II? If not to what relief the workman concerned is entitled?

2. The concerned workman Abdul Qayum was initially appointed as Watchman in the opposite party Food Corporation of India, at Lucknow on 23-1-61. He was promoted as AG III on 25-3-1968 and as AG Gr. II (Depot) on 6-6-1970. Finally he was promoted as AG I (Depot) on 4-11-1971. During the year 1981, he was posted as Depot Incharge of Mandi Yard Unit, Sitarganj. During the course of posting in that place he is alleged to have committed certain acts of misconducts for which he was charge-sheeted on 31-10-1987. The substance of charge is as under :—

Said Sri Abdul Qayum AGI(D) while posted and functioning as Depot Incharge, FSD Sitarganj during 1979-80 and 1980-81 failed to serve the Corporation sincerely, honestly and faithfully in as much as during the course of physical verification conduc-

ted during 10-9-81 to 16-9-81 by a committee of three officer Sri Barathokey, AM SIG B.D. Pant, AM(D) and Suhail Ahmad, AM(QC) deputed from District Office, Haldwani, the overall shortage of 127 bags wheat, 151 New wooden crates and 4473 'C' class gunnies as a result of said PV was reported. 414 gunnies shown in the record as 'B' class gunnies were found in 'C' class in unserviceable condition.

Sri Abdul Qayum AG. I(D) has informed that out of 127 bags of wheat found short 79 bags were against alleged theft case (30 bags on dated 23/24-7-1979 and 49 bags on dated 23/24-12-1980) for which FIRs were lodged on 25-7-1979 and 25-12-1980 respectively. Balance 48 bags of good grain were also reported by the said committee as damaged wheat. Attempts were made to adjust these 48 bags against the damages wheat stocks to cover up shortage and guilt.

The matter of shortages of 49 bags wheat was investigated by Sri V. Uniyal, AM(QC) and it was reported that the said Sri Abdul Qayum neither pursue the matter of theft cases nor reported the matter to appropriate authority to fix up the responsibility specifically on the watchman on duty on the dates of occurrence. It is evident that Sri Abdul Qayum with the purposeful motive avoided these actions as such he is solely responsible for the total shortage of 79 bags wheat and 48 bags of damaged wheat which were tried to cover up by way of manipulation/maladjustment. He is also responsible for the shortage of 204 wooden crates (151 found short at the time of PV and 53 short at the time of despatches) shortage of 4473 'C' class gunnies and fictitious account of 414 gunnies 'B' class gunnies account actually to be accounted for 'C' class gunnies account being 'C' class gunnies.

Sri A. A. Kazmi, Deputy Manager was appointed as enquiry officer on 19-7-1989. After completing enquiry he submitted his report on 23-9-1989 holding that all the above charges have been proved against the concerned workman. Agreeing with this report, the disciplinary authority vide order dated 30-3-1990/2-5-1990 has passed orders for his reversion from AG. I to A.G. II. Feeling aggrieved by this punishment, the concerned workman has raised the instant industrial dispute.

3. In his claim statement, the concerned workman has alleged that his appointing authority was Zonal Manager, whereas chargesheet was issued by Regional Manager and enquiry officer was also appointed by Regional Manager, and that the concerned workman was punished by Regional Manager. It was alleged that since his appointing authority was Zonal Manager, and as Regional Manager is inferior in rank to Zonal

Manager. All the above mentioned acts of issuance of chargesheet, appointment of enquiry officer, consequent enquiry report and punishment order are illegal having been passed by an officer not competent to do so. It was also alleged that the concerned workman was not at all afforded opportunity to defend himself in the enquiry and desired papers were not furnished to him.

4. The opposite party Food Corporation of India, has filed reply in which the above mentioned facts have been denied. It was reiterated that the appointing authority of the concerned workman is Regional Manager and that the concerned workman was afforded due opportunity to defend himself.

5. In the rejoinder nothing new has been said.

6. The first and foremost point which requires determination is as to who is the disciplinary authority of the concerned workman who is AG. I. It appears that in 1971 the Food Corporation of India had framed Regulations for his staff, in which the disciplinary authority has been described as under :—

The Board or the authority specified in Appendix 2 in this behalf or any other authority (higher than the authority specified in Appendix-2) empowered in this behalf by a general or special order of the board, may impose any of the penalties specified in Regulation 54 on any employee.

Provided that the penalties of reduction in rank, compulsory retirement, removal from service or dismissal from service specified in clauses (v) to (ix) of Regulation 54 shall not be imposed on any employee by an authority lower than the appointing authority.

Explanation.—Appointing Authority in relation to an employee for the purpose of this Regulation shall be read as under :—

- (i) the authority empowered to make appointments to the post/grade which the employee for the time being holds ; or
- (ii) the authority which appointed the employee to such post/grade as the case may be whichever authority is the higher authority.

Interpreting the above provisions Hon'ble High Court in writ petition No. 665(SS) of 1992 vide judgment dated 9-1-1992 has held that punishing authority of Assistants Grade (I) Depot is the Zonal Manager. In the instant case from annexure 1 filed alongwith list of documents dated 26-2-1992, it is obvious that concerned workman was promoted on 4-11-1971 by Zonal Manager, hence in view of above authority Zonal Manager would be deemed to be the disciplinary authority of the concerned workman. Admittedly chargesheet was issued by Regional Manager and enquiry officer was also appointed by him. There can be no controversy that Regional Manager

is inferior in rank than the Zonal Manager. Hence, the chargesheet was issued and enquiry officer was appointed by an officer who was not the disciplinary authority. Consequently this chargesheet is illegal and appointment of enquiry officer is also illegal. The resultant enquiry report which is the basis of punishment will also be rendered vitiated. Accordingly on the basis of such report the concerned workman could not be punished. Further the punishment order reveals that he was punished by the Regional Manager who has been shown to be below in rank than the Zonal Manager. As such on this ground alone the punishment order is illegal.

7. Consequently, my award is that the impugned order by which the concerned workman has been reduced in rank from AG I to AG II is illegal. Hence, the order of reversion of the concerned workman from AG I to AG II cannot be held to be justified. The concerned workman would be deemed SS AG I from the date of punishment order and will further be entitled for all incidental benefits. He shall also get Rs. 200 as costs from the opposite party.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 27 फरवरी, 1996

का. अ. 874—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा द्वारा के प्रबन्धांतर के मंत्रालय नियोजकों और उनके कर्मकारों के वीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 फरवरी, 1996 को प्राप्त हुआ था।

[मं. एन 42012/121/86 दी II (वी)]

राजालाल डैम्प अधिकारी

New Delhi, the 27th February, 1996

S. O. 874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 19-2-96.

[No. I-42012/121/86 D-II(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

L.D. No. 72/87
 Mohinder Singh . . . Workman
 Versus

Chief Engineer, Beas Satluj Link Project,
Sunder Nagar, Township ..Management
PRESENT:

Workman Representative Shri R. K. Singh.
Management Respondent Shri Vijay Singh.

AWARD

The Central Government vide their order bearing No. L-42012/121/86-D (II)(B) dated 24-8-87 in exercise of the powers vested in the under clause (d) of Sub-Section 1 and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

“Whether the action of the Management of the Chief Engineer, Bhakra Satluj Project, Sunder Nagar terminating Shri Mohinder Singh, Chargeman Special from service with effect from 31-8-1984 is legal and justified? If not, what relief the concerned workman is entitled to ?”

After the receipt of the above said Notification by the Tribunal, the Central Government later on issued a corrigendum vide Notification dated 16-10-1987, which indicated that the name of the Management as given in order dated 24-8-1987 may be read as “Chief Engineer, Beas Satluj Link Project, Sunder Nagar.”

On receipt of the above said reference from the Central Government notice was sent to the parties and as a result thereof the workman preferred his claim statement to which the respondent Management filed their written reply. The workman thereafter also filed a replication reiterating the stand earlier taken by him in his claim statement. The workman in his statement of claim gave the history as to how the Beas Satluj Link Project, Sunder Nagar came ultimately into existence, as before 1961 the Bhakra Dam was managed and controlled by the Erstwhile State of Punjab through the State Irrigation Department. He further indicated that he was appointed as Euclid Operator at the Bhakra Dam Project on 20-12-1950 and thereafter he was promoted as Chargeman Special Grade I with effect from 1-5-1989. With a view to prove that the Management was prejudiced towards him right from the beginning, he also wanted to place on record that his services were earlier also dispensed with by the Respondent Management because of the fact that he has been leading the Trade Union Activities in the Project. He also indicated that after his earlier dismissal from service, he was taken back in the employment of the Respondent Management on the basis of his writ petition filed in the Hon'ble Punjab and Hariana High Court. He also indicated that in 1971 again he was ordered to be dismissed from service when his dispute bearing No. 2-C-1971 was pending with the Industrial Tribunal, Chandigarh and on the basis

of his complaint to the said Tribunal, the action of the Respondent Management was set aside by the said Tribunal. The workman cited various other similar instances with a view to just prove that the respondent Management have been trying to victimize him right from the beginning in one form or other. With regard to his termination with effect from 31-8-1984, he indicated that the said action of the Respondent Management was as a result of earlier prejudice against him on the part of the Management and in this way the said termination was just uncalled for and illegal. The Respondent Management in any case, tried to prove in their written statement that the termination of the workman with effect from 31-8-1984 was on account of completion of work at the Project. It was indicated by the Management that the workman was duly paid the retrenchment compensation as per provisions in the Act at the time of his termination from the Project.

Both the parties were later on afforded an opportunity to lead their respective evidence while the workman filed his affidavit Exhibit W-1. The Respondent Management filed affidavit of Shri Narinder Singh, Executive Engineer as Exhibit M-1. The workman also tendered various other documents like Exhibit W-2 to W-18. He also filed a supplementary affidavit Exhibit W-1/A. The Respondent Management also placed on record various documents and decisions Annexure R-1 to R-6 alongwith their affidavit Exhibit M-1. After the affidavits were tendered by both the parties, the respective deponents were also produced in the witness-box for cross-examination by the opposite party.

The workman in his affidavit Exhibit W-1 has almost reiterated what he had stated in his statement of claim. He cited the earlier instance before 31-8-1984 with a view to prove that the Management had been prejudice towards him right from the beginning because of his association with the Union activities. He also deposed in the said affidavit that in April, 1978 when the Respondent Management started to retrench the workmen by counting their category on the basis of nomenclature, the matter was discussed with General Manager on 27-4-1978 wherein it was agreed that the retrenchment should be so planned that particular category of trade is not completely wiped out. The workman also indicated in his affidavit that the Respondent Management has adopted the method of Pick and Choose at the time of retrenchment from the Project and had later on also given employment to Sarvshri Banarsi Dass and Ramesh Chand. In his cross-examination, he, however, admitted that he was employed in the Bhakra Control Board on workcharged basis and his designation was Chargeman Special Euclid Operator. He also admitted that number of workers who had been retrenched by the Respondent Management alongwith him and the said retrenchment was

ordered by the Management on account of part completion of the work in the Project. It was also admitted by the workman in the cross-examination that he had received the retrenchment compensation from the Respondent Management. The workman also admitted that the category on which he was working with the Respondent Management had been abolished by the employers.

The Respondent Management in their affidavit Exhibit M-1, however, deposed that the Management had been earlier trying to provide alternative employment to the workmen including the workman in this case. It was further deposed that the workman alongwith various other persons similarly situated had been terminated on account of completion of work at the Project, without any ill-will or malice against. It was further deposed that the workcharged employees who were served with the discharge notices by the Management being surplus to the requirement, of the Beas Project Administration due to the completion of work had filed Civil Writ Petitions NO. 4505, 4536 and 4658 of 1978 in the Hon'ble Supreme Court of India and the Hon'ble Apex Court dismissed the said Writ petitions, thereby upholding the action of the Management in the issuance of retrenchment notices to the various workmen, with regard to the retrenchment in 1984, it was deposed that certain workers had challenged the said retrenchment also in the Hon'ble Supreme Court by way of Civil Writ Petition No. 103 of 1984 and the said writ petition was also dismissed on 30-3-1984. It was admitted that the General Manager, Beas Project vide decision dated 27-4-1978 had agreed that the retrenchment should be so planned that a particular category of trade is not wiped out but it was stated that later on the Management took a decision that the categories which are not at all required for the Administration, operation and maintenance of the completed components of the Project, may be retrenched. In his cross-examination, Shri Narinder Singh, Superintending Engineer, Beas Satluj Link Project indicated that the workman was retrenched being surplus and that the Management had not adopted any formula of pick and choose as alleged by him.

I have heard the representatives of the parties and have also gone through the record minutely. Both the parties also filed written arguments just repeated the history of the Project and the various actions taken by the Management against him from time to time since the time of his initial appointment in the year 1950. He wanted to prove that the action of the Respondent Management in terminating the services in 1984 was malafide and on account of malice against him because of his association with the Union activities. He tried to prove in the said written argument that the Management had terminated his services just due to his trade Union activities. The representative of the workman also cited certain authorities which are evidently on distin-

guishable facts and have no relevance with the facts of the present case in which the services of workman were terminated on account of abolition of the posts and completion of the work at the Project. The Respondent Management in their written arguments, however, tried to prove that the termination of the workman with effect from 31-8-1984 was just on account of completion of the work at the Project and without any ill-will or malice against him as repeatedly alleged by the workman.

As explained earlier, the workman has himself admitted in his cross-examination that the retrenchment was ordered by the Management on part completion of the work at the Project. He had also admitted that many retrenched workers had approached the Hon'ble Supreme Court of India against the retrenchment by the Management. He had also admitted that his category of post was abolished by the Management and that he had received retrenchment compensation at the time of his retrenchment by the Management. The Respondent Management had placed on record memo of settlement dated 28-6-1977. Exhibit M-3, which clearly provides that on account of completion of the work at the Project, the Management was within its right to retrench the Surplus staff on payment was within its right to retrench. Incidentally, Shri M. S. Toggar, the workman in this case, had also signed the said memo of settlement, being the President of Beas Satluj Link Workers Union, Sunder Nagar, Exhibit M-6 is the judgment of the Hon'ble Supreme Court dated 29-6-1979, which clearly reveals that since the workcharged employees are bound by the settlement dated 28-6-1977 as referred to earlier, they are not entitled to any right apart from those flowing from the aforesaid settlement. The Hon'ble Supreme Court in view of the said settlement had dismissed the writ petitions and the S.L.P.s of the workers by the said judgment. Again according to M.7, as relied upon by the Management, the Beas Satluj Link Mazdoor Ekta Union had challenged the retrenchment in 1984 and the Hon'ble Supreme Court in view of the settlement between the parties dated 28-6-1977 dismissed the writ petition No. 103 and 484 of 1984. Both these judgments of the Hon'ble Apex Court are, thus, concluding that the parties to the settlement dated 28-6-1977 are bound by its contents and that according to this settlement the Management is within its rights to retrench the surplus staff on payment of requisite compensation as per provisions in the Act. The workman has himself admitted that on his retrenchment and abolition of his post, he stands paid the amount of retrenchment compensation by the Respondent Management. Evidently, the retrenchment of the workman with effect from 31-8-1984 is because of part completion of the work at the Project and on account of abolition of his post. There appears to be no relationship of this retrenchment with the

Trade Union activities of the workman, which he has tried to repeatedly prove. In the situation, I am of the view that the termination of the workman with effect from 31-8-1984 has been quite legal and justified. The reference of the Central Government shall stand answered accordingly. The appropriate Government be suitably informed.

CHANDIGARH.

DATED:—24-1-96

S. R. BANSAL, Presiding Officer

नई दिल्ली, 27 फरवरी, 1996

का. आ. 875—औद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा वी एम वी के प्रबन्धनात्मक के संबंध तियोजनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक श्रधिकरण चन्द्रीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 फरवरी 1996 को प्राप्त हुआ था।

[सं. एल 42012/8/86 दी II (बी)]

राजालाल, डेस्क अधिकारी

New Delhi, the 27th February, 1996

S.O. 875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 19-2-1996.

[No. L-42012/8/86 D-II(B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

I.D. No. 97/1987.

Sunder Singh .. Workman
Versus
B.S.L. Project .. Respondent Management.

PRESENT :

Workman Representative Shri R.K. Singh.
Management Representative Shri D.L. Sharma.

AWARD :

Central Government vide their order No. L-42012/8/86-DII(B) dated 28-10-1987, in exercise of the powers conferred upon it by Clause D

of Sub-section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following dispute to this Tribunal for adjudication:—

“Whether the action of the Management of B.S.L. Project in terminating the services of Shri Sunder Singh with effect from 30-3-1984 is legal and justified and further in not absorbing him in a Bhakra Beas Management Board as demanded by him is justified? If not, to what relief the concerned workman is entitled to and from what date?”

The order of the Central Government as referred to above reveals that the Government had earlier declined to refer the dispute vide their letter No. L-42012/8/86-D(2)B dated 4-12-1986, but later on, a direction from the Hon'ble High Court of Himachal Pradesh, Shimla, they referred the present dispute for adjudication.

On receipt of the reference, notice was sent to the parties as a result of which the workman filed a statement of claim dated 4-2-1988. It was alleged in this claim statement that the workman was appointed as Painter Grade II with effect from 25-5-1964 and he has been continuously working as such till 30-3-1984 when his services were terminated on retrenchment by the Management, the workman specifically alleged that the respondent Management retained the following persons in their employment, who were junior to him:—

1. Khial Singh.
2. Shiv Ram.
3. Parkash Chand.
4. Hirde Ram.

It was further alleged by the workman that his termination with effect from 30-3-1984 by absorbing his juniors in the Bhakra Beas Management Board with effect from 1-6-1994 was patently illegal and bad in law.

The respondent Management filed reply to the claim statement alleging that none of the juniors to the workman were absorbed and that the workman was terminated with effect from 30-3-1984 on the basis of retrenchment in the Project. It was alleged that the termination of the workman was perfectly in order and legal. The workman submitted replication reiterating his assertions in the claim statement.

With a view to enable the parties to prove their case, both the parties were asked to lead their respective evidence. While the workman tendered his evidence in the form of affidavit Exhibit W-4, the Management tendered affidavit of Shri Narinder Singh, Executive Engineer as Exhibit M-1. The workman in his affidavit Exhibit W-4 deposed that

he was appointed as Painter with effect from 25th May, 1964 and he continued as such till 30-3-1984 when his services were terminated on account of retrenchment in the Project. He specifically named his juniors as indicated earlier who were absorbed by the Respondent Management by ignoring the right of the workman from being absorbed in employment. He further deposed that he was the senior most Painter and had, thus, right to be absorbed that Shri Ajit Singh Painter had challenged his seniority, but he had later on agreed that the workman was senior to him. It was also further alleged in this affidavit that the Management without any notice to him re-determined the seniority of the Painters and perhaps showed him junior to the other four persons who were later on absorbed in the Project. It was also alleged that no notice was given by the Respondent Management before affecting his seniority. The workman also alleged that even if the version of the Management is taken as correct that he was appointed at a Painter with effect from 1-6-1965, even then the Management allowed to continue one Shri Durga Dass Painter Grade II (Token No. 41-F) who has appointed as Painter with effect from 11-9-65. It was stressed that this action on the part of the management also shows that while his services were terminated, his juniors were allowed to continue in service. The workman specifically deposed that he was appointed as Painter with effect from 25-5-1984 and not as Mate. The workman was also produced in the witness-box for purposes of cross-examination and he also tendered in evidence documents Exhibits W-5 to W-6. Thereafter, the evidence was closed by his representative.

The respondent Management in the affidavit of Shri Narinder Singh deposed that the workman joined as Mate with effect from 25-5-1984 and he continued as such upto April, 1965. It was further deposed that he was appointed as Painter Grade II only with effect from 1-6-1965. In support of their contention, the Management placed on record photostat copies of certain vouchers with a view to prove that the workman worked as Mate for the alleged duration. It was further deposed that the Executive Engineer, B.S.L. Sunder Nagar had earlier circulated the seniority list of the Painters, which showed the workman as senior to the other persons referred to above, but later on representation from Shri Ajit Singh Painter the matter was enquired into by the competent authority in the management and on the basis of the said enquiry the workman was placed in seniority list at S. No. 7-A instead of Serial No. 1 vide letter dated 19-9-1980, a copy of which is annexed is Annexure VII to the affidavit Exhibit M-1. According to the deposition of the Management in the affidavit Exhibit M-1, the workman was junior to the other persons, who were later on absorbed in employment in the Project and thus, no junior to him was allowed to be retained in service while

terminating his services with effect from 30-3-1984. Shri Narinder Singh, the deponent of the affidavit Exhibit M.1 placed on record various documents Exhibits M2 to M19. He was also cross-examined by the representative of the workman. The Respondent Management also tendered another affidavit of Shri P.P. Malhotra, S.D.O. Exhibit M.20, wherein it was alleged that the old record pertaining to the past 24 years as asked for by the workman is not available. Similarly, another affidavit Exhibit M.21 of Shri Bhagwan Dass Sethi, Senior Assistant was also placed on record and in this affidavit also, the deponent alleged that workman was employed as Mate with effect from 25-5-64. In this affidavit, it was also deposed that the Hon'ble Supreme Court while dismissing Civil Writ Petition No. 103 of 1984 on 30-3-1984 had justified the retrenchment of the work charged staff. It was also deposed in the affidavit that the workman had been paid the retrenchment compensation with effect from the date of his retrenchment as per the provisions of the Act.

I have heard the representatives of the parties and have also carefully gone through the record. While arguing the case, the workman just reiterated the assertions as given in his claim statement and affidavit. His main grouse was that five persons junior to him were allowed to be retained or absorbed in the service. While his services were terminated illegally by the Management. The representative of the Respondent Management on the other hand argued that the workman was shown junior in the seniority list revised subsequently and in this way none of his juniors were allowed to continue in the service of the Management. The perusal of the record shows that the workman was served with a notice as per requirement of law before ordering his retrenchment with effect from 30-3-1984 and the said issue of retrenchment stands already gone into by the Hon'ble Supreme Court of India in C.M.P. No. 531 of 1984 in C.W.P. No. 103 of 1984 titled as B.S.L. Mazdoor Ekta Union versus Secretary Beas Construction Board, New Delhi and others. The management, with a view to prove this fact, has placed on record letters Exhibit M.2 to M.27. It is also clear from the documents Exhibit M.28 to M.32 that relevant retrenchment compensation was also paid to the workman after his retrenchment from the service. Exhibit M.33 is the service book of the workman, which somehow reveals at its Page 11 that the workman was appointed in service with effect from 25-5-1964. The column "Designation" against the said date as at page 11 of the service book shows the workman as Painter. Page 7 of the Service Book (Serial No. 18 and 18(a) also indicates that the workman was appointed with effect from 25-5-1964 as Painter. There is no mention at all of the workman having been appointed as Mate in the service book. Rather the leave account at Page 24 on its back side also

shows that he was appointed in service with effect from 25-5-1964 and his earned leave was worked out by keeping the said date in view. Shri P. P. Malhotra, M.W.2 in his cross-examination has stated that the report of the enquiry by the Executive Engineer is not available. He also admitted that the Re-appointment letter of the workman with effect from 1-6-1965 cannot be produced since it is an old record. Similarly, M.W.3 Shri Bhagwan Dass Sethi has also deposed that the appointment letter of the workman was not available with the Management and the service book Exhibit M.33 had been verified according to the record by the S.D.O. It was further deposed by him that the workman was promoted as Painter with effect from 1-6-1965 vide order dated 19-6-86. Although the promotion order has not been made available as per the deposition of the M.W.3 yet page 11 of the service Book exhibit M.33 clearly reveals that the workman was appointed or promoted as Painter with effect from 1-6-1965 vide letter No. 4632-37/BSL.P.III dated 19-9-1980. Incidentally, the workman has not challenged this entry in the service book, which goes to reveal that his appointment as Painter Grade II was certainly with effect from 1-6-1965. M.W.3 Shri Bhagwan Dass Sethi has also deposed in the cross-examination that the workman was paid as Mate from May, 1964 to May, 1965. The entry in the service book Page 11 showing the appointment of the workman as Painter Grade II with effect from 19-9-1980 cannot be taken lightly coupled with the other evidence placed on record by the Management. The scale of pay shown against the entry dated 25-5-1964 is 60-3-90 and against the entry dated 6-1-1966 as Painter it is shown as 88-3-118. No explanation has been offered by the workman indicating the lower scale against the entry dated 25-5-1964. There can be possibility of making interpolation in the service book with a view to show the workman as having joined as Painter with effect from 25-5-1964. In any case, as stated earlier, the other entry at Page 11 in the service book showing the workman to have been appointed or promoted as Painter Grade II with effect from 1-6-1965 vide order dated 19-9-1980 cannot be ignored and in view of this fact, it is clear that no junior to the workman was allowed to be retained or absorbed in service at time of his termination with effect from 30-3-1984. Since the Hon'ble Apex Court has already gone into the question of validity of retrenchment, I am of the view that the impugned order of termination of the workman with effect from 30-3-1984 was perfectly justified and legal. The workman is, thus, not entitled to any relief from this Court. The reference of the Central Government shall stand answered recordingly and the appropriate Government be suitably informed.

CHANDIGARH :

Dated : 25. February, 1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 28 फरवरी, 1996

का.आ. 876.—आंतर्गिक विवाद अधिनियम, 1947 (1947 का 14) की वारा 17 के प्रानुसारण में, केन्द्रीय सरकार मेंसर्व सीमेंट कार्पोरेशन आर्स इन्डिया, चरक्षी दादरी के प्रबन्धनात्मक के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंतर्गिक विवाद में केन्द्रीय सरकार आंतर्गिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकारको 27-2-96 को प्राप्त हुआ था।

[संख्या एन-29011/14/86-डी-III (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 28th February, 1996

S.O. 876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CCI, Charkhi Dadri and their workmen which has received by the Central Government on the 27-2-96.

[No. L-290011/14/96-D-III(B)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 109/87 New Number ID 27/89

The President CCI Cement Factory Mens' Union, Charkhi Dadri.

Vs.

The General Manager, Cement Corporation of India,
Charkhi Dadri Cement Unit, Charkhi Dadri.

For the Union : Shri Bhag Mal.

For the Management : Shri Narinder Kumar

AWARD

Central Government vide letter No. L-29011/14/86-D.III(B) dated 17th December 1987 in exercise of the powers conferred by clause (d) of Sub section (1) and Sub Section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1917), (for short called as the Act), has referred the following dispute between the workmen of the Riwas Mine and the management of CCI, to this Court for adjudication :—

“What should be the work-load per man per day for the piece rate quarry workers at Riwas Mines of the Cement Corporation of India Unit at Charkhi Dadri and from what date ?”

On appearance, the workmen submitted the statement of claim. It was pleaded by the workmen that according to the principles of industrial law and rules all the employers are bound to pay applicable 'F' grade wages to their workers including miners. There are about 310 miners employed in the quarries/mines of the management Corporation who are governed by the Cement Wage Board Award for Cement Industries and as per Cement Wage Board Arbitration Award 1933, the 'F' grade wages were linked with the work load at the rate of 40 manads per man per day. It is further alleged that the miners are treated by the management as piece rated workers. There can be no reduction or deduction from the

wages of the workers until and unless the deduction is legally sanctioned. It is the case of the workman that the management Corporation is not making payment of 'E' grade wages to its miners in the Riwasa Mines/quarries for the period the miners have put their attendance. It is alleged that for piece rate system workload in the mines/quarries, the management corporation had agreed to work-load @ 40 manuds per man per day linked with 'E' grade wages by entering into agreement with the recognised Union on 8-10-1983 effective from 1-4-1983 and the said agreement is still operative in respect of all the existing quarries including Riwasa quarries. However the management has changed the said 40 manuds work-load in respect of miners in Riwasa quarries unilaterally, arbitrarily and that unilateral change of work-load for non-payment of 'E' grade wages is quite unjustified, illegal. The miners approached the management for payment of their entitled 'E' grade wages in line with work load rate of 40 maunds per man per day according to existing practice, but all in vain. Thereupon they raised industrial dispute, necessitating the making of the present reference.

On the other hand, plea raised by the management is that as per terms and conditions of the miners, minimum wages as per Cement Wage Board Award were to be linked with the actual output of 48 maunds kankar (free from clay) per man per day and this work load was fixed taking into consideration the layer of kankar and other local conditions prevailing at the Loharwara, Birohar and Misri Mines which were in operation at that time. Subsequently this minimum workload was reduced to 40 maunds per man per day effective from 1-4-1983 for mines where the average kankar layer was to be 12" under a settlement reached with the then Dalmia Dadri Cement Factory Men's Union (now CCI Cement Factory Men's Union) 8-10-1983. The aforesaid work-load of 40 maunds per man per day was linked with the thickness of the kankar layer available in the mines of Loharwara, Birohar and Misri etc, found to be on an average of 12". The Riwasa mines were not in operation at that time. The operation of the Riwasa Mines started in the year 1985 and therefore the aforesaid work-load of 40 maunds was not applicable to Riwasa Mines where the average layer of the kankar was 36". It is also pleaded that the minimum wages of grade 'E' is payable to the miners who are piece rated workers on their turning out the minimum prescribed work-load and the same is not based only on their marking attendance. It was also pleaded that taking into account the kankar layer of 36" at Riwasa mines, the management provisionally fixed the work-load at 85 maunds per man per day subject to review after a study to be conducted by National Productivity Council and after the study of the said council, they recommended work-load of 70 maunds per man per day. It was alleged that said council is tripartite independent body and the report is based on through and exhaustive study of all the facts and material involved for the fixation of the minimum workload for Riwasa Mines. It is further alleged that the workmen's Union, raised dispute before the Assistant Labour Commissioner (C) Rohtak on the issue of fixation of work-load for Riwasa Mines and during conciliation proceedings different work-load quantums were offered by each side. The management even offered to implement the NPC report with reduced work-load of 65 maunds net man per day for economical operation of the mines. However no agreement could be reached with the Union and therefore, the work of the Riwasa mines had to be stopped in April 1986. During the period up to April 1986, the workers were paid wages on ad hoc basis at the rates mutually agreed but the ad hoc payments of wages were subject to adjustment/recovery on the finalisation of the work-load. The management, therefore, pleaded for the rejection of the reference.

Workman Union submitted replication controverting the allegations of the management as made in the written statement and reiterated his earlier pleas.

Keeping in view the rival contentions of the parties, both the workmen's Union as well as the management were asked to produce evidence. The workmen's Union produced WW1 J. R. Bagla who tendered his affidavit Ex. W1 broadly supporting the allegations as made in the claim statement. The management produced MW1 Rajiv Mathur who produced his affidavit Ex. M1 also supporting the allegations as made in the written statement. Both the tenderers of the affidavit were also cross-examined by the respective parties.

I have heard the representatives of both the parties and scrutinised the entire record of the case carefully.

The perusal of the report of National Productivity Council Ex. M2 shows that they recommended the work-load of 70 maunds per man per day. The perusal of the report further shows that through and exhaustive study of all the facts and material for the fixation of minimum work-load for Riwasa Mines was made and all the contentions raised by the management in their written statement were found substantiated by the said council. The perusal of affidavit Ex. M1 also shows that where the average kankar layer was to be 12" under a settlement reached with the Union on 8-10-1983 in respect of Loharwara, Birohar and Misri etc., whereas the Riwasa Mines were not in operation at that time. The average layer of kankar was 36" in respect of Riwasa Mines and as such the work-load of 40 maunds per man per day linked with the minimum wages of grade 'E' in respect of other mines is not applicable to Riwasa Mines where average layer of Kankar was 36" and where mine operation was started in the year 1985. Not only this, the management during the conciliation proceedings agreed to implement the NPC report with reduced work-load of 65 maunds per man per day and that the matter could not be settled and they had to stop the work at Riwasa Mines in April 1986. It is thus quite clear that the workmen's Union is not entitled to work-load of 40 maunds per man per day in respect of Riwasa Mines and this reference is bound to be answered against the workmen's Union. I order accordingly. Appropriate Govt. be informed suitably in this regard.

Chandigarh.

Dt. 14-2-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 28 फरवरी, 1996

का.आ. 877.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अन्तर्गत में, केन्द्रीय सरकार मैसर्स इस्मिता लाइस स्टोन क्वेरी स्टील अथार्टी बाबुपुर सतना (म.प्र.) के प्रबन्धतंत्र के संबंध नियोजकों श्री और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीशोगिक विवाद में, केन्द्रीय सरकार श्रीशोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26 फरवरी को प्राप्त हुआ था।

[संख्या एल-29011/30/92-आई आर (विविध)]

बी.एम. डैविड, डेस्क अधिकारी

New Delhi, the 28th February, 1996

S.O. 877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Ispita Stone Quarry SAIL, Babupur Satna (M.P.) and their workmen, which was received by the Central Government on the 26-2-96.

[No. L-29011/30/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE
IN THE CENTRAL GOVERNMENT INDU-
STRIAL TRIBUNAL-CUM-LABOUR COURT.
JABALPUR (MP)

CASE REF. No. CGIT/LC(R)(236)1993

BETWEEN

S/Shri Shyam Lal and others represented through the General Secretary, Hindustan Steel Lime Stone Union, 79/10, Krissna Nagar, Satna (MP).

AND

The Manager, Ispita Lime Stone Quarry, Steel Authority of India Ltd., Rourkela Zone, Babupur, Satna (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workmen : Shri Brindaban Tiwari.

For Management : Shri R. C. Srivastava, Advocate.

INDUSTRY : Lime Quarry DISTRICT : Satna (MP).

AWARD

DATED : FEBRUARY 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-29011/30/92-IR(M) Dated 22-10-93/1-11 for adjudication of the industrial dispute :—

SCHEDULE

“क्या प्रबंधतंत्र इस्पात लाईम स्टोन क्वारी, बानूपर, सतना (म.प्र.) के प्रबंधकों द्वारा कर्मकार सर्वे श्री श्यामसाल रहीस, कल्लु, रामा विष्णु, बैजनाथ, श्यामलाल, महावीर, इन्द्रसाल गामपति, चैता, राम-कृष्ण, नव्यु, बिद्रावन एवं राधानन्द की मृत्यु पश्चात उनके परिवारजनों को एक मृश्त राशि रुपये 5000/- से लेकर रुपये 15,000/- का भुगतान एवं फेमिली पेंशन का मासिक भुगतान न किये जाने की कार्यवाही, न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुतोष के हकदार हैं।”

2. On behalf of the workmen the Union Secretary, Shri Chandra Shekhar Tiwari, had filed the statement of claim. Shri Tiwari has expired. Thereafter, the workmen have not taken any interest in the case and they have not filed the documents. On 11-12-1995 none appeared on behalf of the workmen and the case was closed for

award. It appears that the workmen are not interested in pursuing the case. As such, no dispute award is hereby passed.

ARVIND KUMAR AWASTHY, Presiding Officer.

मई दिल्ली, 28 फरवरी 1996

का. स्र. 888—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक आफ इंडिया के प्रबंधतंत्र के संबंध नियजकों और उनके कर्मकारों के बीच प्रत्यवंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 फरवरी 1996 को प्राप्त हुआ था।

[सं.एस-12012/478/86 डी II प/ प्राई शार (बी. 2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th February, 1996

S.O. 878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on the 27-2-1996.

[No. L-12012/478/DIIA/IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 5587

General Secretary, Central Bank of India Employees Union, 129, Lal Kurti, Ambala Cantonment.

Vs.

Regional Manager, Central Bank of India, Regional Office, Ambala Contonment.

For the Workman : Mangat Sharma

For the Management : Yogesh Jain

AWARD

The Central Govt. vide order No. L-12012/478/86-D.II(A), dated 21st July 1987 has referred the following dispute between workman Ashok Kumar

Verma and the management of Central Bank of India to this court for adjudication :—

“Whether the action of the Central Bank of India, Regional Office, Ambala Cantonment, in imposing the penalty of stoppage of increments on Shri Ashok Kumar Verma, Peon, Kurukshetra is justified ? If not, to what relief is the concerned workman entitled and from what date ?”

In response to notice, workman appeared and submitted his statement of claim. In short allegations against the workman are that while working as peon at Kurukshetra branch of the Bank, the management of the bank initiated a departmental enquiry against the workman in relation to a loan granted to his wife for the purchase of Knitting and Weaving Machine. The workman stood guarantee for the repayment of the loan. The workman was charge sheeted for having cheated the bank in connivance with his wife and a departmental enquiry was ordered against him in the year 1982. According to the workman he was ordered to be chargesheeted by an officer who was not competent to issue the chargesheet, nor was he competent to order the appointment of the enquiry officer. In any case, after holding the enquiry the enquiry officer submitted his report, holding that none of the charge stood proved against the workman. The disciplinary authority however differed with the report of the enquiry officer and after reversing the findings held the charges proved and proposed the punishment of stoppage of three increments and warning under gross misconduct upon the workman. The workman submitted reply to the show cause notice but the disciplinary authority imposed the proposed punishment. According to the workman a non-speaking order was passed vide which the punishment of stoppage of three increments and warning for gross misconduct was inflicted upon him. The workman preferred appeal against the said order of punishment but the appellate authority dismissed the appeal. The Union of the workman raised industrial dispute and the conciliation proceedings were taken. Later on Labour-cum-conciliation officer submitted failure report. According to the workman, he has suffered a great mental agony and great hardship, besides his promotion was withheld for about two years. He has, therefore, prayed that order of disciplinary authority should be setaside.

The management in the written statement filed however pleaded that reasonable opportunity was given to the workman to prove his innocence in the course of enquiry. Personal hearing was also given by the disciplinary authority while differing with the findings of the enquiry officer and proposing the punishment to the workman. It was also pleaded that a lenient view was taken, although the workman had misused his position in

procuring fictitious loan in the name of his wife for the purpose of Knitting and Sewing Machine which was never purchased, yet a lenient view was taken and small punishment of stoppage of three increments and warning was imposed upon the workman. It was pleaded that the disciplinary authority was well within its right to differ with the findings of the enquiry officer and the disciplinary authority has correctly taken each misconduct separately while awarding the punishment. A prayer, therefore, was made for the rejection of the claim statement.

On these pleadings of the parties, both the parties were asked to produce evidence in support of their respective claims. Shri Ashok Kumar Verma appeared as WW 1 and tendered his affidavit Ex. W1. He was cross-examined and admitted that on 1-12-1979 a loan was sanctioned in the name of his wife by Kurukshetra branch and he stood guarantee for the loan. He also admitted that he was charge sheeted pertaining to this loan and an enquiry was held against him. He also admitted that he was represented by a representative in the said enquiry on each and every date of hearing. He went on to admit that before the passing of the impugned order, he was served with a show cause notice and further admitted that he preferred appeal against the order of the disciplinary authority.

In rebuttal the management produced MW1 R. P. Singh, Chief Officer of the management Bank who tendered his affidavit Ex. M1 and also produced documents Ex. M2 to M8 copies of the enquiry proceedings. During cross-examination he admitted that a similar enquiry about the loan advanced to the wife of the workman was also conducted against Shri P. R. Raina Branch Manager. He proved the statement of Article of charges alongwith statement of imputation of misconduct and also enquiry proceedings held against Shri P. R. Raina and further the order of disciplinary authority as Ex. M9 to Ex. M12. He admitted that the loan has since been repaid. He denied that Shri B. Ghosal was not competent to issue the charge sheet and further that the enquiry officer was Scale-IV officer and further admitted that the loan amount was recovered from the salary of the workman in instalments and later on the amount was also deposited by him in lumpsum. On the basis of this evidence led, this is to be seen as to whether the charges against the workman stood proved or not.

I have heard the learned representatives of both the parties and have also gone through the documents placed on the file carefully. I have also gone through the enquiry proceedings Ex. M1 to Ex. M12. From the charge sheet it would be apparent that although the charge sheet contain only one allegation that the workman took a loan of Rs. 3400 in the name of his wife Smt. Sheela Rani

on 1-12-1979 for the purpose of Knitting and Sewing Machine, yet the charges were divided into 4 paras and each para was taken to be separate charge. In any case the enquiry officer conducted detailed enquiry and returned the findings on each of the charge in favour of the workman, yet the disciplinary authority differed with all the findings of the enquiry officer and took entirely a contrary view that the charges against the delinquent employee are proved. I have gone through the reasoning given by the disciplinary authority and do not find the reasoning given by him valid. After all the only charge against the workman is that the total loan of Rs. 3400 in the name of his wife for the purchase of Knitting and Sewing Machine, which according to the prosecution she never purchased. It is admitted position on record that the amount of the loan was recovered from the salary of the workman in instalments and also paid by him in lumpsum before the initiation of the departmental enquiry. It appears that the management of the bank was swayed only by one consideration that neither the workman nor his wife allowed the physical verification regarding the purchase of said sewing machine. That by itself would however not prove that Sewing and Knitting Machine was not purchased. It is pertinent to observe here that a similar enquiry was conducted against the branch manager regarding this very loan and in that it was held that Sewing and Knitting Machine was purchased and some sweaters were knitted from the said machine. It is also pertinent to observe here that P. R. Raina was exonerated from the charges against him. It is not understood as to why the bank management has chosen to take entirely different view in respect of the workman. Moreover the workman in this case was ordered to be chargesheeted only by Shri B. Gossal, who was admittedly in a rank of Chief Officer (Scale-MM-III) and in the said capacity he had not obtained the statutory powers of disciplinary authority to initiate departmental action or to issue charge sheet to the workman. Although he was discharging the functions of the Chief Manager, yet, the statutory powers of disciplinary authority were never conferred upon him. It therefore, appears that he was not competent to charge sheet him or to serve charge sheet upon him. Similarly the appointment of Shri I. P. Hingoli Chief Manager to act as enquiry officer was beyond the competence of Shri B. Gosal as no officer working in lower cadre can make appointment of enquiry officer of the above rank.

From the facts and circumstances of the case, it would appear that the management has acted on the basis of suspicious on account of the fact that the cheque for Rs. 4000 drawn by M/s. Pandit Trader in favour of self was presented on their behalf by the workman and he obtained cash payment from Hindustan Commercial Bank on their

behalf. According to the management, workman misappropriated the amount in collusion with his wife. But until and unless it is established that M/s. Pandit Trader did not receive the said amount of Rs. 4000 from the workman and they did not realise the proceed of the loan from the loanee or the bank, only then a suspicion could be believable. Such a evidence is however missing in the present case. Although disciplinary authority was well within its right to differ with the findings of the enquiry officer, yet cogent and convincing reasons have not been given. It appears that the disciplinary authority has acted merely on the basis of the apprehension caused due to the act of the workman for not permitting the physical verification of the machine.

For the reasons recorded above, I am of the clear view that the enquiry conducted against the workman did not result in the charges having been proved against the workman and consequently the imposition of penalty of stoppage of three increments and one warning for gross misconduct was not warranted from the facts and circumstances of the case. The punishment inflicted upon the workman was unjustified and not legally sustainable. The reference, therefore, stands answered in favour of the workman and against the management. Appropriate Government be informed in this regard suitably.

Chandigarh :

19-2-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 28 फरवरी, 1996

का. आ. 879—आंदोलिक विवाद अधिनियम 1947 (1947 का 14) की द्वारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड इण्डिया फायर एण्ड जनरल इन्स्योरेन्स कं. लि. के प्रबंधतात्स के संबंध नियोजकों और उनके कर्मकारों के बीच अनुवंश में निर्दिष्ट आंदोलिक विवाद में, केन्द्रीय सरकार आंदोलिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 फरवरी, 1996 को प्राप्त हुआ था।

[संख्या एल-17012 / 12 / 87 डी IVए—आई ग्राही 2]

प्रज्ञान, डेस्क अधिकारी

New Delhi, the 28th February, 1996

S.O. 879.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of United India Fire & General

Insurance Co. Ltd. and their workman, which was received by the Central Government on the 27-2-96.

[No. L-17012|12|87-D-IVA|IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL,
PRESIDING OFFICER, CENTRAL GOVERN-
MENT, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I. D. 106|87

S. C. Jain . . . Workman

Versus

United India Fire and General
Insurance Co. . . . Management

PRESENT :

Sh. N. K. Nagar, Representative for the
Workman.

Sh. P. P. Khurana, Representative for the
Management.

AWARD

The Central Government vide their order No. L-17012|12|87-D(iv)(a) dated 27-11-1987, in exercise of the powers conferred vide clause (d) of Sub-section (1) and Sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the Management of United India Fire and General Insurance Co. Ltd. in imposing punishment of stopping of two annual increments and non-payment of wages for suspension period on Shri S. C. Jain, Development Officer, Jagadhari, on 6-8-79, is justified? If not, to what relief the concerned workman is entitled to and from what date?”.

On receipt of the above reference from the Central Government, notice was sent to the parties. The workman submitted his statement of claim dated 6-1-1988, to which the respondent Management submitted their written reply. The workman filed replication to the written statement of the Management and reiterated the assertions as made by him in the claim statement. It was alleged by the workman that the Management out of malice served upon him a chargesheet dated 20-5-1976

containing allegations pertaining to the period 1973-74. It was further alleged that from the very inception, the Respondent Management was pre-determined to hold an enquiry against him and punish him on the basis of frivolous allegations. It was also alleged that the enquiry proceedings initiated against him were vitiated and that the enquiry officer did not afford him the required opportunity as per provisions of the law before inflicting upon him the impugned order of penalty. The respondent Management, some-how, in their reply justified the impugned order, which according to them had been passed after due compliance of the principles of natural justice and by affording the required opportunity to the workman.

With a view to afford an opportunity to both the parties to prove their case, this Court gave an opportunity to the workman as also the Management to lead their respective evidence. While the workman tendered his evidence in the form of affidavit Exh. W-1, the Management tendered the affidavit of Shri A. K. Gulati, Exh. M1. In his affidavit Exh. W.1, the workman deposed that he was served with a chargesheet dated 20-5-1976 by the Management out of malice on the part of the Management. It was further deposed that Shri Ravi Parkash, Divisional Manager was appointed as an Enquiry Officer by the Management on 17-7-1976. When the said Enquiry Officer initiated the enquiry proceedings, he was substituted by another enquiry officer Shri R. C. Sood by the Respondent Management on 28-6-1977. It was further deposed by the workman that there was no justification in changing the Enquiry Officer and the Management had done so with a bias against him. It was also deposed that the enquiry officer did not follow the principles of natural justice during the course of enquiry and, thus, he was not afforded the required opportunity to defend himself before the enquiry officer. It was further deposed that the workman had also filed appeal before the Appellate Authority against the impugned order dated 6-8-1979, but the said Authority rejected the appeal by passing a non-speaking order. The respondent Management in their affidavit Exhibit M.1 deposed that the claimant is not a workman within the provisions of the Act and, thus, he is not entitled to any benefit from this Tribunal, particularly when he has been discharging the duties of supervisory nature. It was further deposed that a fair enquiry was conducted against the said claimant/workman and the principles of natural justice were duly complied with during the course of enquiry as also before the impugned order of penalty was passed against the workman. Both the deponents had also appeared in the witness box for the purpose of cross-examination. During the course of cross-examination, the workman admitted that he had attended all the enquiry proceeding at Chandigarh, Ambala and Yamunanagar and that he used to defend himself before the Enquiry Officer without

the help of any representative. He also admitted that he had been supplied the copy of the enquiry report, although the same was made available somewhat late. It was also admitted by him that he had produced his witness in defence before the enquiry Officer.

I have heard the representatives of the parties and have also gone through the record carefully. It was argued by the representative of the claimant that the claimant is a workmen and not a supervisory officer as alleged by the Management. It was further argued that the Management did not properly of penalty was bad in law on that account. The representative of the workman also argued that the Management did not serve upon the workman and show cause notice before denying him the wages for the suspension period. In support of his contention, he cited B. D. Gupta Vs. State of Haryana, 1972 S.L.R. (S.C. 845). The representative of the Management on the other hand argued that the enquiry conducted against the workman was perfectly valid and legal and that proper opportunity was afforded to the workman before inflicting upon him the impunged order of penalty.

As stated earlier, the Management had alleged in their written reply that the claimant is not a workman, as he has been discharging the duties of a supervisory officer. There is nothing to this effect in the evidence of M. W. 1 Shri A. K Gulati. The cross-examination of WW. 1 Shri S. C. Jain also does not suggest that the workman was performing any duties of supervisory nature. The Management was required to prove this fact with the help of some substantial and cogent evidence, in case they wanted to show that the workman was performing duties of supervisory nature. The objection raised by the Management on this account does not, therefore, appear to be justified.

I have carefully perused the enquiry report. Exhibit M. 2, which reveals that the enquiry officer had given proper opportunity to the workman for enabling him to defend himself during the course of enquiry. It is clear from the said proceedings of the enquiry that the workman had cross-examined the witnesses and had also produced his own witnesses with a view to disprove the charges levelled against him. The enquiry officer after the conclusion of the enquiry had proved the charges as framed against the workman. The Management had given the due consideration to the enquiry report and had stopped two annual increments of the workman on permanent basis. The suspension order of the workman was ordered to be revoked but the period during which the workman remained under suspension was ordered not to be treated as spent on

duty. This part of the order restricting the period of suspension, as further corroborated by the cross-examination of M.W. 1 Shri A. K. Gulati, reveals that the Management but restricted the pay of the workman during the period of suspension and in this way, the workman appears to have not been paid anything beyond the subsistence allowance. It is admitted in the cross-examination of M. W. 1 that before doing so, no show cause notice was served upon the workman. If it is really so, it is apparently bad in law. While I do not find any illegality in the order of the Respondent Management as issued vide order dated 6-8-1979 in so far as it relates stoppage of two annual increments of workman on permanent basis, I find that the other part of the order restricting the pay of the workman to the payment of subsistence allowance only for the period of suspension without issuing any show cause notice is not in accordance with the law laid down by the Hon'ble Supreme Court of India as cited by the representative of the workman. It is the settled law that none can be ordered to suffer monetarily without giving him opportunity to explain his position in his behalf. In the situation, accordingly hold the impugned order dated 6-8-1979 as perfectly justified in so far as it relates to stopping of two annual increments of the workman with cumulative effect. The other part of the order restricting the pay of the workman during the period of suspension is ordered to be set aside being against the settled principles of law as discussed above. The respondent Management shall, however, be at liberty to decide this part of the order afresh after affording the required opportunity to the workman. The reference of the Central Government shall stand answered accordingly. Appropriate Government be suitably informed.

CHANDIGARH.

Dated : February, 12, 1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 28 फरवरी, 1996

का. आ. 880.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के भनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोगिक विवाद में, केन्द्रीय सरकार श्रीशोगिक अधिकरण, 2 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एल-12012/114/94-श्राई.आर.वी.2]

ज्ञ. मोहन, डैम्प अधिकारी

New Delhi, the 28th February, 1996

S.O. 880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal 2 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 27-2-1996.

[No. L-12012/114/94-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 31 of 1995

PARTIES :

Employers in relation to the management of UCO Bank and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. Prasad, State Secretary, UCO Bank Employees Association, Patna.

On behalf of the employers—Shri S. C. Sarkar, Dy. Chief Law Officer.

STATE : BIHAR INDUSTRY : Banking

Bihar Dhanbad, the 20th February, 1996

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/114/94 dated, the 17th October, 1994.

SCHEDULE

“Whether the action of the management of UCO Bank, Patna in not regularising and terminating the services of Shri Chandrama Singh, Peon w.e.f. 25-10-83 is legal and justified? If not, what relief is the said workman entitled to?”

2. To meet the aforesaid reference parties were directed to file their respective W.S. and rejoinder if any.

3. The workman Chandrama Singh in his W.S. has stated that he was appointed as temporary Peon of UCO Bank Sabour branch, District Bhagalpur (hereinafter referred to as management) with effect from 8-2-1990 for the purpose of performing duties such as carrying ledgers, registers, token book, scroll book, cleaning chairs and tables, posting of mails, stitching of currency notes, serving of waters to the members staff and customers etc. for the said work he used to remain in the office from 10.00 A.M. to 6.00 P.M. and thereby he completed work for more than 240 days in a year.

4. On such completion he represented to the management for regularisation of his service but no response was made to his request and then a dispute was raised by the sponsoring union before the ALC(C), Patna for his regularisation in the service by letter dt. 5-10-1993.

5. Then after hearing the parties the ALC(C) tried to make a conciliation but it failed and then the matter was referred to the Ministry of Labour for which the present reference is. Inspite of working of normal duties like other permanent staff performing he was given wages which was absolutely ill paid and in violation of equal pay for equal work and also he was deprived of other benefits like other permanent staff. So the prayer is for regularisation after reinstatement in service with effect from 25-10-93 as Class IV employee of the management and to render appropriate relief to which he is entitled to.

6. The management in his W.S.-cum-rejoinder has stated that the concerned workman Shri Chandrama Singh was never engaged as Peon and thereby the question of his regularisation in service does not arise and this reference is bad in law. However, it is admitted in para-4 that the concerned workman was engaged as casual labour for the first time on 8-2-90 by the Branch Manager of UCO Bank Sabour branch Patna though he was no competent authority to make any recruitment of any employee of the Bank and thereby the appointment of the said concerned workman was not legal one nor it was done by the competent authority.

7. It is stated further that the Branch Manager actually engaged the concerned workman as casual labour and the payment was made from Contingency fund to carry on odd job of casual nature mostly for fetching drinking water and to keep it on pitchers and to supply it to the customers and staff. It is added further that the said work was of very minor nature and he used to devote a very pretty hour for the said job and his payment was

made as per provision of Minimum Wages Act as casual labour.

8. In the W.S. it is stated further that the management has sanctioned posts of 5 subordinate staff at the bank at the relevant time out of which one is working as Daftry, another as Arm Guard and there was a driver and a Peon. Also one Rajendra Ram was working as Part Time sweeper. Subsequently one Ram Narain Raj was posted in the permanent post from 1993. Thus there were two Peon one is Anil Harijan and other Ram Narain Rajak and thereby all the Class IV staffs were in the said branch and there was no necessity of the job by other Class IV staff. The performance of carrying ledgers etc., cleaning chairs etc., posting mails, stitching currency notes have been denied and it is stated that casual labours never perform any permanent nature of job nor he was employed as against permanent vacancy and no employee can be recruited in the Bank without observing the formalities in this regard and simply storing of water for supply to the customers and the staff cannot be considered to be a job of permanent nature nor he can be considered to be full time worker.

9. It is admitted that a complaint was lodged before the ALC(C) dt. 5-10-93 but it is was explained by the management to the points raised by the sponsoring union. In para-14 it is submitted by the management that the concerned workman stopped attending his duties with effect from 25-10-93 under the wrong advice of the sponsoring union possibly to make it a case in his favour hoping that it would be a good plea for him that he was removed by the management and also ultimately he may get redress from the Tribunal. However, under the present facts and circumstances this workman can never be considered to be a casual worker working against permanent vacancy nor in any manner he is entitled to get the relief for regularisation or any relief related to it. In the rejoinder the duties alleged to be performed by the concerned workman have been denied but it is admitted that he was only engaged for supply of water to the customers and staffs and in some occasions cleaned the chairs and tables which are meant for casual labour and the Peon as well. It is stated further that the work of the concerned workman was not for more than an hour but he was given the wages for whole day under the Minimum Wages Act. It is denied that the management terminated the services of the concerned workman with effect from 23-10-93 but actually he failed to report for his duties with effect from 25-10-93 with the sole idea of contravention of provision of Section 33 of ID. Act and to proceed under Section 33A of the said Act and thereby the concerned workman was misled and wrongly advised. It is stated that as the concerned workman was not performing duties of Class IV

employees the question of paying him wages of Class IV does not arise nor he is entitled to get the benefit of other permanent workman of the Bank and thus the management prayed for dismissal of the prayer.

10. In the rejoinder filed by the workman practically re-agitated the points which have been already stated. Only addition is that the Sabour branch was of medium size of branch and then it converted into large branch having a Sr. Manager at the top and having two managers and four Assistant Managers under him. Keeping in view of the necessity of the staff the concerned workman was orally appointed to perform the duties of a Peon and he used to work for the full day and for the same he was given the wages for full day and thus he completed work for more than 240 days of continuous service in a calendar year which entitles him to be regularised as per Bipartite settlement entered into between the management and the different union.

11. In the instant reference both the parties have adduced oral evidence and the documentary evidence.

12. Let me discuss the oral evidence first.

13. Shri P. K. Sharma, MW-1 while deposing on behalf of the management had stated that he saw the concerned workman Chandrama Singh to supply water and tiffin to the staff of the Bank as well as to the customers as and when required. He found many staffs including Peon, Daftry, Water Boy to work therein. According to him Peon was not supposed to supply water which was the duty of the Water Boy and he has exhibited the notification under the signature of the Zonal Manager marked Ext. M-1 for employment and he has denied that ever he saw the concerned workman to stitch vouchers though he was the Asstt. Manager of the said branch. He was cross-examined at length and it is admitted by him that the payment of Chandrama was made through vouchers marked Ext. W-1 but he cannot support the fact that there is any head named Contingency fund for the purpose of any expenditure.

14. On behalf of the workmen the concerned workman himself deposed and according to him he started working from 8-2-90 and continued in the job till 24-10-93 being engaged by the Manager verbally. He has also stated that he used to attend the office at 10.00 A.M. and used to remain there till 6 P.M. and he used to get Rs. 15 per day initially and then it was raised to Rs. 30 per diem and the payment was made through vouchers and those vouchers have been marked as Ext. W-1 series. According to him he used to perform the duties of carrying ledgers, Cash Book, token from the Almirah and to carry registers of the loan

department and to bring out various registers and different sections and also he used to perform the mail works as well as delivery of daks to the different places through Peon Books in addition to supply of water to the staff and customers. He deposed further that he used to work as per instruction of the Manager of the branch and he was removed from the engagement from 25-10-93 without serving any notice nor paying any notice pay. He has filed the list of the days of his work done in the branch marked Ext. W-2 and had deposed that his work will be about 1300 days continuously. He has proved the letter sent by the sponsoring union to the ALC(C) Marked Ext. W-3 and the letter to the Manager of the local branch marked Ext. W-4. He was cross-examined how he got the list of the work done and practically it has not been denied in the cross-examination that he completed work of more than 240 days in a year.

15. After careful consideration of the W.S.-cum-rejoinder and the evidence on record we cannot deny that the concerned workman started working in the concerned branch of the management on 8-2-90 and he was denied with his job whatever may be the nature for the sake of argument till 25-10-93.

16. Firstly I take up the point whether he voluntarily relinquished the said job on and from 25-10-93.

17. It is hard to believe that now a days a person without getting any further job or employment would relinquish the job when there is a law that after completion of 240 days continuous in work in a year he is entitled to get relief of regularisation in the said post.

18. Though this fact was urged in the W.S. categorically at different places but during the cross-examination it was never suggested to this concerned workman that he ever voluntarily relinquished the job.

19. Therefore, it is hard to accept that the concerned workman who started his work on 8-2-90 in the management bank he voluntarily relinquished the job on 25-10-93 working there till 24-10-93 without any break.

20. In this case there is also no iota of material that any notice was served or any verbal instruction was given by the then Manager to stop his work from 25-10-93. Obviously this act on the part of the management is whimsical and arbitrary one.

21. It was urged by the management in the argument advanced by Mr. Sarkar, Dy. Chief Law Officer that the management had no authority to appoint any person in a job of permanent nature

or in the manner of his claim by the workman. Whatever may be the position of law it cannot be denied that this workman was appointed so and he continued in his work for such a pretty long time. Moreover we get from the evidence of MW-1 that there is no system that a workman to be paid from Contg. fund vide page 3 of cross-examination. So obviously the workman's version that he was paid through vouchers marked Ext. W-1 are to be accepted. In that case obviously the work performed by the concerned workman exceeds 240 days.

22. It was urged by the management that he was to perform the duties for one hour only but the documents marked Ext. W-2 goes to show that he was paid for the whole day and as per list marked Ext. W-2 and it is not denied by the management that the work comes about 1300 days and odd and the work appears to be continuous one.

23. Though no copy of the Bipartite settlement has been filed in this case but we cannot ignore the circular No. CHO/PAO/16/89 dt. 19-10-89 settlement between all branches/offices in Indian Union on the subject of empanelment and absorption of person engaged on daily wages basis.

24. In the said settlement it is clear that in a subordinate cadre as a casual worker completing 240 days or more with or without interruption during the period of 3 years immediately preceding 12-9-89 should be regularised as Group-D employees and if not a panel is to be prepared for absorption in future.

25. No doubt it is the contention of the management that the concerned workman only worked for one hour or 2 hours but it cannot be accepted considering the working chart submitted by the workman and not denied by the management. In the said chart it appears that the attendance was made in respect of the said workman for the whole day and accordingly payment was made to him and if the work was only for a fractionary period the Bank did not hesitate to record his attendance for the whole day and to make payment for whole day and this belies the statement of his part time engagement rather it supports the case of the workman that he was a full time casual worker.

26. It is also apparent from the said statement of works marked Ext. W-1 that the concerned workman served the Uco Bank for more than 3 years and also completed 240 days attendance in three consecutive calendar years and thereby this Tribunal has no hesitation to hold that the concerned workman was in continuous service as defined under Section 25B of the I.D. Act and since the concerned workman was stepped from work orally without notice or without assigning

any reason by the management this case clearly comes within the ambit of Section 25F of the I.D. Act for such non-compliance and this factum is clear enough amounting to retrenchment within the meaning of Section 2(oo) of the said Act without complying with the provision of Section 25F of the said Act.

27. In view of the facts and circumstances stated above I have no hesitation to hold that this concerned workman completed 240 days work continuously as per Bipartite settlement and thereby he is entitled to be regularised as per terms of the settlement. So in view of such finding I have no hesitation to hold that the management was not justified in not regularising him and terminating his services with effect from 25-10-93.

28. Incidentally it may be pointed out that no Tribunal/Court go beyond the terms of the reference and in that case it is in the reference that Chandrama Singh has been described as Peon in the said reference and if that be so being a temporary Peon only the Tribunal will see whether he completed 240 days work continuously as it is required under law and in my opinion that has been strictly complied with. Thereby he is entitled to get the relief in the present manner and the reference may be disposed off under the present terms and conditions.

29. We cannot ignore the fact that even after his retrenchment many appointments were made and engagement were done for performing the job of similar type.

30. This point was also urged in an unreported case (management of Uco Bank-vrsus-Union of India and others) in Civil Writ Jurisdiction Case No. 11195/94 and where His Lordship Mr. Justice A. K. Ganguly affirmed the finding of the Tribunal that the action of the management in the facts of the case similar to the facts of the present case amounts to retrenchment within Section 2(oo) and the relief given in such award for reinstatement was confirmed.

31. Therefore, in view of the discussions made above and the decision of the unreported case as referred to above it is held that the action of the management of Uco Bank in not regularising and terminating the services of Shri Chandrama Singh, Peon w.e.f. 25-10-93 in the manner is unjustified. However, as he was in the capacity of the casual worker just now he is not given an order of reinstatement but it is ordered that the management will empanel his name in the existing panel if any or in absence of such panel his name should be empanelled for absorption in future arising out of any vacancy and he is to be absorbed right now if any vacancy is available of course giving priority

to the other persons who are on the top of the panel.

32. In this premises the management is directed to inform the concerned workman about his position in the panel for future reference so that he be not deprived of from getting opportunity to follow up the matter for implementation of the Award and the management will implement this award within one month from the date of publication and thereafter within 3 months the management should inform the concerned workman about his position in the panel for future reference.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 28 फरवरी, 1996

का.आ. 881.—ग्रौथोर्गिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब और सिन्ध बैंक के प्रबन्धतंत्र के संबंध नियोजकों श्रीर उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ग्रौथोर्गिक विवाद में, केन्द्रीय सरकार ग्रौथोर्गिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एल-12012/128/88/डी II ए/ग्राइ.आर. (बी-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 28th February, 1996

S.O. 881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1974), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on the 27-2-96.

[No. L-12012/128/88-DIIA/IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 101/88

Shri Ram Behl, C/o Shri V. K. Sharma, Outside Lohari Gate, Opposite Albail Singh Sarain, Near Bus Stand, Patiala.

Vs.

The Regional Manager, Punjab & Sind Bank, Regional Officer-II, Model Town, Jalandhar.

For the workman : None

For the management : J. S. Bawa

AWARD

The Central Govt. vide Order No. L-12012/128/88-D.II(A) dated 9th December, 1998 has referred the following dispute between Ram Behl and the management of Punjab & Sind Bank to this Court for adjudication :—

"Whether the action of the management of Punjab & Sind Bank in terminating the service of shri Ram Behl and not considering him for further employment while recruiting fresh hands under Section 25-H of the ID Act is justified ? If not, to what relief is the workman entitled ?"

On receipt of reference, notices were issued to the workman as well as to the management. The workman's stood served through regd. AD through his authorised representative for 15-11-1995. He did not appear in the Court either himself or through his representative. Accordingly vide order dated 13-2-1996 ex parte proceedings were taken against him and the management was called upon to lead ex parte evidence.

In its ex parte evidence, the management has tendered the affidavit Shiv Dev Singh manager, Punjab & Sind Bank Zonal Office Patiala who testified that the workman was employed as temporary peon in their Patiala Branch for 143 days intermittantly. He gave the detail of the days in para No. 1 of the affidavit and also testified in para No. 2 that now the workman is gainfully employed in Punjab State Electricity Board Patiala. He produced letter ex. M2 written by Assistant Engineer of the Punjab State Electricity Board to the management vide which it was intimated to the management that the workman is employed there since 25-10-1991. From the ex parte evidence led, it is proved on the file that workman has not rendered 240 days of continuous service in a period proceeding 12 months to his termination. It is also proved on the file that he is gainfully employed under the Punjab State Electricity Board since 25-10-1991. It is perhaps because of his reason that the workman has not chosen to put appearance in this Court. That being the position, the action of the management can not be said to be illegal or unjustified. This reference is therefore bound to be answered against the workman and in favour of the management. I order accordingly Appropriate Govt. be informed suitably.

Chandigarh.

16-2-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 28 फरवरी, 1996

का. ग्रा. 882.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्दूल बैंक ब्राफ़ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीयोगिक विवाद में, केन्द्रीय सरकार श्रीयोगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एन-12012/143/88/डी IIए/श्राई.आर.बी. 2]

ब्रजमोहन, डैस्क अधिकारी

New Delhi, the 28th February, 1996

S.O. 882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on the 27-2-96.

[No. L-12012/143/88/DIIA/IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL,
PRESIDING OFFICER, CENTRAL GOVERN-
MENT, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT

I. D. No. 68/88

N. K. Doda, Clerk ... Workman

Versus

Central Bank of India, Zonal Office, Chandigarh
... Management

PRESENT :

Shri S. K. Makkar, Representative for the Workman.

Shri Yogesh Jain, Representative for the Management.

AWARD

The Central Government vide their order bearing No. L-12012/143/88-D(IIA) dated 9-9-1988, in exercise of the powers under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the Management of the Central Bank of India in relation to Zonal Office Chandigarh in awarding

the punishment of stoppage of two annual graded increments to Shri N. K. Doda, Clerk with future effect is justified ? If not to what relief the workman is entitled to?"

On receipt of the abovesaid reference from the Central Government, notice was sent to the parties and on receipt of the notice, the workman filed his claim statement. The Respondent Management filed the written statement to the said claim statement. Thereafter the workman filed his rejoinder to the written statement, wherein he reiterated the assertions as made in the claim statement. In nutshell, the stand of the workman as reflected in the claim statement was that Shri N. M. Jain, the Enquiry Officer, who conducted the enquiry against him was partial with the prosecution and, thus, he conducted the enquiry against him in a biased manner. The Management, in any case, maintained that the Enquiry Officer had conducted the enquiry in an impartial manner and afforded due opportunity to the workman to defend himself during the course of the enquiry proceedings.

Both the parties were thereafter afforded an opportunity to lead their respective evidence. While the workman filed his affidavit Exhibit W. 1 and the affidavit of Shri Khem Chand Taneja as Ex. W2, the Management tendered affidavit of Shri B. K. Chibber, Chief Manager as M-6. The Workman also filed documents W-2 to W-9 and likewise the Management also placed on record the documents Exh. M. 1 to M. 5. The deponents of the affidavits were also produced in the witness box for the purposes of cross-examination by the opposite party.

I have gone through the relevant record and have also heard the representatives of the parties. The representative of the workman also filed written arguments and on these written arguments, he dealt with the various charges as levelled against him point by point. He also tried to show that the enquiry officer did not afford him the required opportunity during the course of the enquiry. It was also contended that the enquiry officer did not allow him to engage some legal expert, particularly when the Presenting Officer was having the LL. B. qualification. The representative of the Management also filed the written arguments in which it was contended that proper opportunity was afforded to the workman for enabling him to vindicate his stand before the enquiry officer.

In his affidavit, Exhibit W. 1, the workman deposed that the charges framed against him by the Management were false and fabricated and were based on flimsy grounds. It was also deposed that the Management firstly appointed Shri R. P. Mahana as an enquiry officer and he

was later on changed without any reason and in his place Shri N. M. Jain was appointed the enquiry officer. It was further contended that the said enquiry officer did not allow the workman to produce his witnesses and also did not allow him to cross-examine the witnesses produced by the Management. In his affidavit Exhibit W-2, Shri Khem Chand Taneja deposed that the workman was proceeded, against falsely by the Management on account of his participation in the Trade Union activities. The respondent Management in the affidavit Exhibit M-6 of Shri B. K. Chibber, in any case, highlighted the omissions and commissions of the workman and it was tried to show that the enquiry officer conducted an independent and impartial enquiry against the workman for proving the charges levelled against him. Exhibit M. 1 is the chargesheet, which was issued to the workman by the Management. The perusal of Exhibit M 2 shows that the Management considered the reply of the workman to the chargesheet and finding the same as unsatisfactory, they decided to hold a regular enquiry against him. Exhibit M. 3 are the proceedings of the enquiry as conducted by the enquiry officer. These proceedings are quite voluminous and run into 90 pages. The perusal of these enquiry proceedings clearly reveals that the enquiry officer conducted the enquiry in a detailed manner. The enquiry proceedings also clearly show that the workman had engaged a representative for defending him before the enquiry officer. The said representative had apparently cross-examined the witnesses produced by the Management. The workman also produced himself before the enquiry officer in his defence and the enquiry officer after conclusion of the enquiry submitted his report to the Management proving charges No. 1.2(a), 3(iii), 3(iv) and charge No. 1 in respect of second charge-sheet dated 7-4-1983 levelled against the workman. The respondent Management gave due consideration to the findings of the enquiry officer and passed the impugned order. Exhibit M. 5 is the order of the Appellate Authority vide which the said authority confirmed the punishment awarded to the workman by rejecting the appeal preferred by him. The workman in his cross-examination had also admitted that he had been attending the enquiry proceedings on all the dates and he was represented by Shri S. S. Arora, his authorised representative. It was also admitted that 4-5-witnesses were produced during the course of the enquiry and they were cross-examined by his representative. It was also admitted that he had produced two witnesses in his defence. The workman also admitted that the management served upon him a show cause notice before inflicting upon him the penalty. He also admitted that he was given person hearing by the disciplinary authority. All these admissions on the part of the workman go to prove that the management had given the required

opportunity to the workman before inflicting the penalty upon him. In the situation, it cannot be said that action of the management of the Bank in awarding the penalty of stopping of two annual graded increments upon the workman with future effect was in any way unjustified. The reference of the Central Government is answered accordingly. The workman in view of the above findings shall not be entitled to any relief from this Tribunal. The appropriate Government be suitably informed.

Chandigarh.

Dated : February, 8, 1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का.आ. 883.— श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मैं, भारत कोकिंग कॉल लिमि. की जीलगोरा कोलियरी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीशोगिक विवाद में, केन्द्रीय सरकार श्रीशोगिक अधिकरण (सं. 21, धनबाद) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एल-20012/174/92-प्राई आर (कॉल I)]

ब्रजमोहन, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jealgora Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 27-2-96.

[No. L-20012/174/92-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 61 of 1993

PARTIES :

Employers in relation to the management of Jealgora Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers : Shri H. Nath, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 19th February, 1996

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(174)92-I.R. (Coal-I), dated, the 31st May, 1993.

SCHEDULE

“Whether the action of the management of Jealgora Colliery of M/s. Bhowra Area of B.C.C.L. in withdrawing the office order No. AJ/OO dated 28/30-9-89 wherein the age of Shri Bhowra Sao Winding Engine, E.B. No. 208143 as per assessment of Medical Board was given as 52 years as on 1-9-89 with the date of birth 1-9-37 is justified ? If not, to what relief the workman is entitled ?”

2. For the answer to the reference mentioned above the workman has submitted W.S. stating inter alia that Shri Bhola Sao the concerned workman presently employed as Winding Engine Driver at Jealgora Colliery of Bhowra Area under the management of M/s. BCCL. The said workman received an identity card in which his date of birth is mentioned as 21-2-1933. He was further supplied with service card where the same date has been recorded but he objected to it and approached for rectification of the same on the strength of his educational certificate.

2. For his representation to the management special medical board for determination of the concerned workman was framed vide photo copy of the letter No. GM-PER/XI/F. 71/89/2420-21, dated 12/16-8-89 and thereby special medical board was held at Lodna Hospital on 1-9-89 and the age of the concerned workman was assessed as 52 years as on 1-9-89 and thereby his date of birth came to 1-9-1937.

3. It is in the W.S. of the workman that pursuant to the finding of the medical board an order

was issued by the Dy. C.M.E. Jealgora for necessary correction to the earlier age as recorded in the relevant register and the said order was issued under office Order No. AJ/OO dated 28/30-9-89. The age was also corrected thereby as fixed by the medical board but all on a sudden without giving notice to the concerned workman the report of the medical board was cancelled and again his date of birth was brought to the initial stage for which he complained. Then the matter was taken up with ALC(C) Dhanbad for conciliation but due to adamant attitude of the management it failed for which this reference arose.

4. The present contention of the concerned workman is that the order by which the decision of the medical board was superceded and cancelled and his date of birth was wrongly recorded initially by that order which is arbitrary and without jurisdiction and thereby the superannuation age which became earlier is wrong. The workman prays for necessary reliefs.

5. The management in his W.S.-cum-rejoinder has stated that the date of birth of the concerned workman was recorded as per Winding Engine Certificate and thereby the age assessed by 52 years as on 1-9-89 is wrong and so the office order for correction of the age was withdrawn by another office order No. AJ/OO/1599, dated 28/30-9-89. So the workman is not entitled to get any relief.

6. In the instant case both parties have adduced oral evidence.

7. For the management Y. N. Gupta, MW-1 who is working in the personnel department as Clerk has been examined. He has proved Form B Register where the name of the concerned workman appears in Sl. No. 15830 marked Ext. M-1 and the photo copy is marked Ext. M-2, M-3 is the certificate granted by the D.G.M.S. and the office order has been marked as Ext. M-4. In cross-examination he had stated that in the year 1987 service excerpts were made over to all the workman of the management and he has admitted that age written therein would be valid and accepted. But if any dispute arises the same would be referred to the medical board. It is admitted by this witness that the concerned workman Bhola Sao objected to the age recorded in the service excerpts and he was sent to the medical board where his age was assessed as 52 years as on 1-9-89 and the date of appointment is recorded as 27-4-56. His evidence goes to show that it was decided by the management that the age written in the Matriculation Certificate or of any certificate of similar examination of same standard would be accepted if that certificate is before the appointment but it would not be accepted after appointment. The certificate of winding engine is of 1987 and the age was determined thereafter but it

was cancelled subsequently and thereby the concerned workman retired.

8. Bhola Sao, WW-1 has also deposed that in the Form B Register his age was written wrongly but he was found to be 52 years by the medical board and thereby his superannuation before that is illegal.

9. In the instant case it is not disputed that the age of the concerned workman is recorded in Form B Register as 21-8-33 which has been marked and relied upon by both the management and the concerned workman and in Ext. W-3 as well as M-1 i.e. the Form B Register I find such note of as the date of birth against the concerned workman and similarly there is a note of correction as per decision of the medical board noting his date of birth to i.e. 1-9-37. The report of the medical board has been marked as Ext. W-2 which is dated 28/30-9-89.

10. It was argued by the learned Advocate of the management that if any satisfactory document is produced and prove the age of the workman that should be accepted and as it was concealed by the concerned workman so the decision of the medical board was cancelled.

11. It is in the evidence of MW-1 that the service except were supplied to the individual workman in the year 1987. It is needless to say that he has admitted that the concerned workman objected to it and submitted representation.

12. Therefore, we can firmly accept that the concerned workman raised his objection as regards entry of age in the Form B Register in the year 1987. In the meantime Winding Engine Man's first class examination took place on 3-7-1988 where the concerned workman passed and the certificate was issued on 14-2-1989. No doubt his age was recorded as 21-8-1933. It is the argument of the learned Advocate for the management that the said document is the basis of determination of the actual age of the concerned workman and this was concealed by the concerned workman so the decision and the finding of the medical board were cancelled.

13. We should not be forgetful of the position that every concerned workman has a right to raise objection about the recording of age in any document of the management. Similarly it is in evidence of MW-1 that if the age recorded in the Matric certificate or in any certificate of similar standard before entry in the service that should be considered but no such certificate should be considered after entry in the service.

14. It will not be such to say that Winding Engine Certificate is after entry in the service and obviously the date of birth mentioned therein was

based on the Form B Register where it is recorded as 21-8-33.

15. In the service excerpt supplied in the year 1987 the same age was shown and the concerned workman objected to it in the year 1987 which he received such service excerpt and if that be so far medical examination by the special medical board held in the year 1989 cannot be superceded by the Winding Engine Certificate which is obviously relying upon the age recorded in the Form B Register for which the challenge has already been made in the year 1987.

16. It will be such high handedness on part of the management or the person concerned to ignore the report or assessment of the age held by the special medical board as because it was constituted obviously as per rules. It will not be out of the way to say that no person can approbate and reprobate on the self same point once he decides to take opinion of the competent authority when any dispute arises and according to his suitability he recedes from the decision as it has happened in the instant case.

17. Therefore, following the principles as stated above I am constrained to observe that the action of the management to hold the date of birth of Bhola Sao as on 21-8-33 instead of 1-9-37 specially in view of the report of the medical board is not justified. Already I have observed that the age which was reflected in the Winding Engine Certificate is pursuant to the age recorded in the Form B Register which was challenged by the concerned workman long before.

18. So I have no hesitation to hold that the action of the management of Jealgora Colliery of M/s. Bhawra Area of M/s. B.C.C.L. in withdrawing office Order No. AJ/OO, dated 28/30-9-89 wherein the age of Shri Bhola Sao Winding Engine E.B. No. 208143 as per assessment of Medical Board was given as 52 years as on 1-9-89 with date of birth 1-9-37 is not justified and he must be superannuated holding his date of birth as on 1-9-37 and in that case he is to retire on 31-8-97 and as he has superannuated in the meantime he is to be reinstated within one month from the date of publication of this Award and allowing him to continue in service with all benefits available to him till 31-8-97 if he is not fit otherwise in the meantime. The management is also directed to give the back wages including other benefits during the period when he was asked to retire till his reinstatement by this Award to which he is entitled to as per rules.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का. श्रा. 884— आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मि. सैन्ट्रल कोलफील्डम लिमि. की पिपराईह कोलियरों के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में, केन्द्रीय सरकार आंदोलिक अधिकरण, (सं. 21, धनबाद) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का दिनांक 27-2-96 को प्राप्त हुआ था।

[संख्या—एल-24012/152/86-डी-4(बी)/आई आर (कोल-I)]

ब्रजमोहन, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Pipradih Colliery of M/s. C.C.L. and their workmen, which was received by the Central Government on 27-2-96.

[No. L-24012/152/86-D-IV(B)|IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under
Section 10(1)(d) of the I.D. Act, 1947

Reference No. 126 of 1987

PARTIES :

Employers in relation to the management
of Pipradih Colliery of M/s. C.C. Ltd.,
and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri R. S.
Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 20th February, 1996

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(152) 86-D.IV(B), dated the 10th April, 1987.

SCHEDULE

"Whether the action of the management of Pipradih Colliery of M/s. C.C.L., P.O. Comia, Dist. Giridih in denying pay protection to Shri Rambreichh Yadav who worked as Security Guard from 1-11-1972 to 11-7-1983 is legal and justified? If not, to what relief the workman concerned is entitled?"

Soon after the receipt of the order of reference notices were served upon the parties. But neither of the parties appeared nor took any steps. Thereafter several adjournments were granted to them and notices were issued. But they neither turned up nor took any steps in this case. It therefore, leads me to an inference that there is no dispute existing between the parties presently. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

This is my Award.

D. K. NAYAK, Presiding Officer
नई दिल्ली, 29 फरवरी, 1996

का.मा. ८८५.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार को मैसर्स नारगेन स्टीबर्ट एंड कॉ. प्रा. लिमिटेड के प्रबन्धदात्र के संबंध नियोजकों श्रौद्धोगिक विवाद में, केन्द्रीय सरकार श्रौद्धोगिक अधिकारण कागजात के पांचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-96 को प्राप्त हुआ था।

[संख्या एस-32012/6/94-श्रावि श्रावि विविध]
बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Norman Stewart and Co. Pvt. Ltd. and their workmen, which was received by the Central Government on the 28-2-96.

[No. L-32012/6/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 9 of 1995

PARTIES :

Employers in relation to the management of M/s. Norman Stewart & Company private Ltd.

AND

Their workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer

APPEARANCE :

On behalf of Management—Mr. Arun Kar

On behalf of Workmen—Mr. B. Chatterjee, Working President of West Bengal Dock Mazdoor Union and Mr. P. Sen, a committee member of the Union.

STATE : West Bengal INDUSTRY : Port & Dock

AWARD

By Order No. L-32012/6/94-IR(Misc.), dated 10-4-1995, the Government of India in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:

1. Whether the demand of the union for the workers of M/s. Norman Stewart & Company Pvt. Ltd., in Calcutta Dock System of Calcutta Port Trust for consolidated pay scales from Rs. 2,500 to Rs. 3,000 per month and upward revision every three (3) introduction of Privilege Leave, Casual Leave & Medical Leave @15 days, 10 days & 10 days respectively with full pay, additional Remuneration for working more than 8 hrs., a day at double of the ordinary rate and Night Allowance for working during night at the rate of Rs. 10 per night shift is justified? If so, to what relief and from which date the workmen concerned are entitled?"

2. The management was represented in this case by Sri Arun Kar, whereas the workmen was represented by the Working President of West Bengal Dock Mazdoor Union, Sri B. Chatterjee as well as Sri P. Sen, a member of the Committee. A written statement and a supplementary written statement were filed by the workmen on 8-5-1995 and 26-6-1995 respectively alongwith copies of the documents which are yet to be marked. The

management had filed their written statement on 12-6-1995 followed by a rejoinder on their behalf on 14-6-1995. They also filed copies of such documents which are also to be marked and have not yet been marked.

3. This is a reference case of the year 1995. The parties have however entered into an amicable settlement between them resolving in a Bipartite Settlement dated 30-1-1996, a copy of which has been filed before the Tribunal on 1-2-1996 and is annexed of the Award as Annexure-A. The settlement has been signed by Sri Prem Puri, Director, Norman Stewart & Company Pvt. Ltd. on behalf of the management and Sri Sudhir Kumar Mitra, General Secretary of the West Bengal Dock Mazdoor Union and Sri Byomkesh Chatterjee, Working President of the said Mazdoor Union which contains the terms of the settlement.

4. On 5-2-1996 a fresh petition has been filed by the management under the signature of Mr. Prem Puri, Director, Norman Stewart & Company Pvt. Ltd. with endorsement of Sri Arun Kar, the authorised representative with a prayer before the Tribunal to treat the Reference Case No. 9 of 1995 as closed and to pass a "No Dispute" Award as the matter has been settled already out of court. On the same day another petition has been filed on behalf of the workmen also under the signature of Sri Byomkesh Chatterjee Working President of the West Bengal Dock Mazdoor Union with a prayer to treat this Reference Case as closed and to pass a "No Dispute" Award in view of the fact that a bipartite settlement out of court has been made on 30-1-1996 and they have no further grievance to agitate.

5. Heard both the parties in view of the petitions filed by the parties to the reference and in view of the fact that the parties do not want to proceed with the case in view of the settlement dated 30-1-1996, I accordingly pass a "No Dispute" Award.

The reference case is disposed of accordingly.
Dated. Calcutta,

The 11th February, 1996

K. C. MAGADEV ROY, Presiding Officer

ANNEXURE-A

Memorandum of Bipartite Settlement arrived at on 30th January, 1996

BETWEEN

The Management of M/s. Norman Stewart & Co. Pvt. Ltd., of 14, Netaji Subhas Road, Calcutta-700 001 and their workmen (Represented by West Bengal Dock Mazdoor Union of 33, Hem Chandra street, Calcutta-700 023) who are employed in connection with the survey job.

NAME OF THE PARTIES

1. Representing Employer :

M/s. Norman Stewart's & Co. Pvt. Ltd.,—Sri Prem Puri, Director

2. Representing Workmen :

West Bengal Dock Mazdoor Union : 1. Sudhir Kr. Mitra, General Secretary

2. Byomkesh Chatterjee, Working President Short Recital of the Cases

The West Bengal Dock Mazdoor Union of 33, Hem Chandra Street, Calcutta-700 023 placed a Charter of Demands for the Assistant Surveyor of M/s. Norman Stewart & Co. Pvt. Ltd. of 14 Netaji Subhas Road, Calcutta-1, for fixation of wages and other benefits in the year 1993. But due to the adamant attitude of the Management the union had to request the Assistant Labour Commissioner (Central) for his interference in the matter.

The Assistant Labour Commissioner (Central) arranged and called for joint discussions on many occasions at his office but the Management did not agree to accept any of the demands of the union. Subsequently, the Asstt. Labour Commissioner (Central) converted the discussions into a conciliation meeting and submitted a report above failure of the conciliation to the concerned Ministry. The Ministry referred the matter to the Central Govt. Industrial Tribunal, Calcutta for hearing. The Central Govt. Industrial Tribunal listed the matter for hearing vide case No. 9 of 1995. In the meantime the Management of M/s. Norman Stewart & Co. (P) Ltd. changed and new management requested the union for a bipartite amicable settlement of the case. The Union intimated the Management that in case of settlement of the demands in the bipartite meeting, the decision/agreement should be placed before the Presiding Officer, Central Govt. Industrial Tribunal. The Management agreed with the views of the Union.

The Union and the management sat in a meeting and after prolonged discussions reached to an agreement on 30-1-96 on the following terms and conditions.

TERMS OF SETTLEMENT

1. The existing workman who's names are mentioned in the Annexure get as a salary Rs. 1,860 per month.

2. It is agreed that if the workers work any extra shift beyond their normal duty, holiday, off day they will get a extra shift wages in prorata basis and if the workers worked in a night shift they will get extra Rs. 10 as night allowance.

3. The concerned workman will be entitled Rs. 10 per day as tiffin allowance.

4. It is agreed that the concerned workman will get actual travelling charges and Rs. 50 for loading and another Rs. 50 for fooding per day as an outstation allowance if the workers go to Haldia.

5. The workers will get Rs. 700 per year as a medical allowance subject to produce medical certificate and if the worker sustained any injury/ any accident in the duty hours the cost of their treatment will be beared by the employer.

6. It is agreed that the workers will beget as a loan maximum Rs. 4000 per year subject to the loan is repaid by Rs. 200 per month.

7. The workers will get 8.33 bonus as per bonus rule.

8. The workers will get PL-30 days, CL-7 days and sick leave 10 days per year.

9. The concerned workmen will be entitled to weekly off day in a staggered basis and also entitled to get holidays as per C.P.T.

10. It is agreed that the employer arrange to deduct the provident fund as per PF rule and the workers also entitled gratuity as per gratuity rule.

11. It is agreed that the concerned workmen will get existing other facilities apart from this agreement.

12. This agreement will be effective from 1-4-96 and will remain valid upto 31-3-98 and during the agreement period no financial burden will be entertained by the company.

13. It is agreed that this agreement will be jointly submitted to the Presiding Officer of Central Govt. Industrial Tribunal.

Signature on behalf of Employer.

(Prem Puri)

Director

Norman Stewart &
Co. P. Ltd.

Signature on behalf
of Workman represented
by Union.

(Sudhir Kr. Mitra)

General Secretary

(Byomkesh Chatterjee)
Working President

Witness :

- (1) Asish Banerjee (SR)
- (2) Asish Banerjee (JR)

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- (3) Noor Alam (1)
- (4) Noor Alam (2)
- (5) Shyamal Kr. Singha Roy
- (6) Md. Shakil
- (7) Ved Prakash Mishra
- (8) Subhasish Bagchi
- (9) Snehaish Bagchi
- (10) Prabir Banerjee
- (11) Siddhartha Ghosh

ANNEXURE

- (1) Asish Banerjee (SR)
- (2) Asish Banerjee (JR)
- (3) Noor Alam (1)
- (4) Noor Alam (2)
- (5) Shyamal Kr. Singha Roy
- (6) Md. Shakil
- (7) Ved Prakash Mishra
- (8) Subhasish Bagchi
- (9) Snehaish Bagchi
- (10) Prabir Banerjee
- (11) Siddhartha Ghosh

नई दिल्ली, 29 फरवरी, 1996

का.प्रा. 886.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 धा 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबन्धरात्रि के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में प्रौद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-96 को प्राप्त हुआ था ।

[संख्या एल-41012/109/91-आईआरबीआई]

पा. जे. माईकल, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on 28-2-1996.

[No. L-41012/109/91-IR (B-1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,
MADRAS

Friday, the 29th day of December, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

Industrial Dispute No. 30/1992

(In the matter of reference for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Southern Railway, Madras-3).

BETWEEN

Shri S. Balu,
C/o N. Chellamuthu,
Kakkan Colony,
Pullampadi Post,
Lalgudi Taluk, Trichy-621601.

AND

The General Manager,
Southern Railway,
Park Town, Madras-3.

REFERENCE :

Order No. L-41012/109/91-IR (DU), dated 25-3-92,
Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 18th day of December, 1995, in the presence of Tvl. T. Fenn Walter and W. Fredrick Castro, Authorised Representatives for the Workman, upon perusing the reference, Claim and Counter Statements and other connected papers on record and the Management being absent and set ex parte and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

Government of India, by its letter No. 41012/109/91-IR (DU), dated 25-3-92, referred for adjudication before this Tribunal under Section 10(1)(d) of the I. D. Act, regarding the dispute :

"Whether the action of the Management of Southern Railway, Madras in terminating the services of Shri S. Balu, Sweeper Kandambakkam (Trichirappalli Division) is justified ? If not, what relief he is entitled to ?"

2. After services of notices, both the petitioner and the respondent filed their Claim statement and Counter statement.

3. The case of the petitioner is as follows :

The petitioner entered service under the respondent as a Sweeper on 26-7-77. He was carrying on his work faithfully and efficiently. He has not committed any misconduct and his service throughout was meritorious. In due course, the Acting Station Superintendent, Kandambakkam Station, developed personal enmity and animosity towards the petitioner since he refused to do his private domestic work. He made several false allegation as if he was under unauthorised absence for the period from 28-9-85 to 4-10-85, 15-10-85 to 22-10-85, 1-11-85 to 6-1-85, 12-11-85 to 4-12-85, 27-12-85 to 28-12-85 and from 14-1-86 to 17-1-86. He also made a false allegation as if on 17-5-87 he entered in his room in an intoxicated mood and started shouting against the Acting Station Superintendent. The allegations are totally false and foisted. Several charge sheets were issued against the respondent. The allegations found in the charge sheet were vague, ambiguous, and lacking in precision. The charges were so framed that they were contrary to various provisions of the Disciplinary and Appeal Rules. An enquiry was conducted by 4 persons without any authority or competence. In the enquiry, there was no proof that he was in intoxicated condition and he abused Station Superintendent. The Enquiry Officer conducted the enquiry in a prejudicial manner. He looked into various records of which the petitioner was not put on notice. He was not given an opportunity to examine himself and to explain his defence.

The enquiry was conducted in contravention of various provisions of Disciplinary and Appeal Rules. The final order was passed by the Chief Divisional Safety Officer. He has no power to punish the petitioner. In the appeal preferred by the petitioner, the punishment was modified from dismissal into one of compulsory retirement. The petitioner sent a notice through his Counsel dated 11-12-89 seeking reinstatement in service with continuity of service, back wages and other attendant benefits. The respondent has failed and neglected to give any reply. Hence this dispute has been raised.

4. The respondent filed his counter contending that the petitioner had remained unauthorised absent from duty from 28-9-86 to 17-10-86, 24-10-86 to 5-11-86 and 23-11-86 to 4-4-87. Besides, on 17-9-87, at about 20.30 hours he entered the Station Master's room and prevented the Station Master from discharging his duty and abused him in filthy language. The matter was therefore, reported to Divisional Safety Officer Trichirappalli. The petitioner was taken up for disciplinary action under the provisions of Railway Servants (Discipline and Appeal) Rules, 1968 by issue of charge sheet. Enquiry was also conducted in the manner and as per the procedure laid down as per the Rules. Reasonable opportunity was given to the petitioner to defend his case. Charge sheet was served on the petitioner and he received the same. The petitioner had failed to avail the opportunity given to inspect and take copies of the documents. This issue was not raised by the petitioner during the enquiry. The petitioner's allegation that the penalty imposed on him was premeditated is false. The findings of the Enquiry Officer were accepted by the Disciplinary Authority. A copy of the final proceedings was also supplied to the petitioner alongwith penalty advice. The petitioner appealed against the punishment of dismissal and the Appellate authority modified the same as one of compulsory retirement. Against the order of compulsory retirement, the petitioner did not prefer any revision. After about 2 years, the petitioner has raised this dispute. Railway administration is not obliged to reply to the notice from any quarter except Courts of Law and quasi-judicial authorities. The petitioner's case is one of total disregard for an dereliction of duty coupled with chronic absenteeism and misbehaviour with his superior. Hence the claim of the petitioner may be dismissed with cost.

5. The point for consideration is : Whether the action of the Management of Southern Railway, Madras in terminating the services of Shri S. Balu, Sweeper, Kandambakkam (Trichirappalli Division) is justified ? If not, what relief he is entitled to ?"

6. The Point.—Since there was no representation for respondent for various hearings from 10-10-95 and the respondent was not present, the respondent was set ex parte. The petitioner was examined as WW-1. According to him, he joined the duty as Sweeper in the Southern Railways on 26-7-77. Due to the personal enmity and animosity of the Acting Station Superintendent, with the petitioner since the petitioner refused to do certain private domestic works of the Station Superintendent, made false allegation as though the petitioner was absent for duty without permission and he entered into the room of the Station Master on 17-5-87 and abused him. Admittedly a charge sheet was issued and domestic enquiry was conducted. According to him the enquiry was not conducted in a fair and proper manner and the copies of the documents were not supplied to the petitioner. This fact is admitted by the respondent in his counter stating that the petitioner was not permitted by the Management to inspect the documents and take copies. So, the documents relied on by the Management were not supplied to the respondent. Finally he was dismissed from service. On the appeal preferred by the Petitioner and the Appellate Authority modified the punishment as one of compulsory retirement. As there is no evidence to prove the charges levelled against the petitioner by the Management and the enquiry was not conducted in a fair and proper manner, the order of compulsory retirement is liable to be set aside.

In the result, an award is passed setting aside the order of compulsory retirement dated 30-10-88. Respondent is directed to reinstate the petitioner in service, with continuity of

service, full back wages and other attendant benefits. No costs.

Dated, this the 29th day of December, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

WW-1—Thiru S. Balu.

For Management

None.

DOCUMENTS: MARKED

For both sides :

Nil.

नई दिल्ली, 29 फरवरी, 1996

का.प्रा. 887.—आंतर्मिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुवंश में निनिटर आंतर्मिक विवाद में केन्द्रीय सरकार आंतर्मिक अधिकारण, चण्डीगढ़ के दच्चन की प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-96 को प्राप्त हुआ था।

[संख्या ए.ल-12012/228/88-आईआरबीआई]

पी. जे. माईकल, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 887.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 28-2-1996.

[No. L-12012/228/88-IR (B-I)]

P. J MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I. D. No. 67/88

Ganga Singh .. Workman.

Management of the State Bank of Patiala, H.O. The Mall, Patiala .. Management.

PRESENT :

Shri T. C. Sharma, Representative—for the Workman.
Shri N. K. Zakhmi, Representative—for the Management.

AWARD

The Central Government, Ministry of Labour, in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947, (hereinafter referred to as the Act) vide, their order No. L-12012/228/88-D.III (A) dated 1-9-1988 referred the following dispute to this Tribunal for adjudication :

Whether the dismissal of Shri Ganga Singh, Ex-cash Peon, Mansa Branch of the State Bank of Patiala from service by the Management of the State Bank of Patiala w.e.f. 28-11-85 is justified? If not, to what relief the workman is entitled?"

On receipt of the reference notices were issued to the parties. On appearance, the workman submitted statement of claim and alleged that he was chargesheeted on fabricated grounds. He submitted reply to chargesheet which was not considered properly nor the appointment of Inquiry Officer was made in accordance with the Provisions of the Law and the proceedings were also not held as per provisions under the Desai Award Para 18.10 read with clause 19.14 of Bipartite settlement and the proceedings held by the Inquiry Officer is arbitrarily. On the basis of the inquiry held the workman was dismissed from service on 28-11-1985 vide order of Regional Manager-I Bhatinda Disciplinary Authority and his appeal was also dismissed vide order dated 8-9-1986 by the Zonal Manager, Bhatinda as appellate authority. The action of the Management in dismissing the workman is illegal, discriminatory and quite disproportionate to the alleged misconduct. He, therefore demanded his reinstatement with continuity of service and back wages.

The Management in the written statement filed, pleaded that proper departmental inquiry was conducted against the workman for his misconduct and that during the inquiry charges were proved against him. The workman submitted reply to the show cause notice and thereafter impugned order was passed which was upheld by the Competent Authority. It was pleaded that action of the Management in dismissing the applicant was legal, justified and proper and the applicant is not entitled to any relief.

The workman submitted replication conrovering the allegations of the Management in the written statement filed and reiterated his earlier pleas.

The workman appeared as WW-1 and submitted his affidavit Ex. W-1. During his cross-examination he admitted that he was working as cash room in the Bank for stitching of currency notes into packets and making bundles. He also stated that he was chargesheeted in this connection and he filed reply to the chargesheet. He further admitted that regular inquiry was conducted against him and he attended all the proceedings and signed every page of the proceedings. He admitted that he had not represented in writing that the proceedings being conducted in English are not understandable to him and that he pointed out that fact at the time of personal hearing orally.

In rebuttal the Management has produced Shri H. S. Bholla, Branch Manager, State Bank of Patiala as MW-1, the Inquiry Officer who proved his affidavit Ex. M-1 and further proved Ex. M-2 Inquiry proceedings. During cross-examination he stated that his appointment as Inquiry Officer was made by Regional Manager. Both the orders were passed by the General Manager. He stated that he sent registered intimation regarding conduct of the inquiry to the workman. Ex. M-1 shows that Shri H. S. Bholla conducted departmental inquiry against the workman in fair and proper manner and the workman was given full opportunity to defend his case. The workman was allowed to cross-examine of the witness, but he did not avail of the opportunity. It also reveals that chargesheet against the workman was proved and that he submitted his inquiry report alongwith the inquiry proceedings to the Regional Manager who was disciplinary authority. Ex. M-2 is copy of the inquiry proceedings. It also reveals that the Inquiry proceedings were signed by the workman on the each hearing. The statement of the witness made in cross-examination shows that both the proceedings of the inquiry were conducted in English but the same were got signed from the workman. On perusal of Ex. M-2 it is clear that chargesheet was issued to the workman, by the Regional Manager Bhatinda who was the disciplinary authority. The Ld. representative of the workman has referred to page 52 of the inquiry proceedings, Ex. M-2. It is a letter dated 5-6-1985 written by the G.M. (Operation) to the workman vide which he was intimated that the departmental inquiry will be conducted against him on the basis of chargesheet dated 21-2-1985. It no where shows that the workman was chargesheeted by the G.M.

(Operation). He was chargesheeted vide letter No. R-1/B/3684 dated 21-2-85 of the Regional Manager-I, Bhatinda. The workman submitted his reply to the chargesheeted dated 8-5-85. The perusal of the Ex. M-2 shows that note was put in year 1985 by vigilance officer of the Disciplinary action cell and the action suggested by him approved and the letter dated 8-5-85 was issued. It further shows that the chargesheet was issued by the Regional Manager, the disciplinary authority and the impugned order of dismissal was also passed by him. It is submitted by the workman himself that his duty was as cash room in the bank for stitching of currency notes into packed and making bundles. Removing one currency from the branch was a misconduct. It may be here mentioned that the workman deposited Rs. 100 note during inquiry proceedings. The inquiry officer conducted enquiry in a fair and proper manner, workman was rightly found guilty of charge and the impugned order passed was perfectly legal. The reference of the Central Government, thus stands answered accordingly and the appropriate Government be suitably informed.

Placed Chandigarh

Dated : 7-2-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का.आ. 888.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबन्धतत्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-96 को प्राप्त हुआ था।

[संख्या एल-12012/58/92-आईआरबीIII/B1]

पी. जे. माईकल, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 888.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 28-2-1996.

[No. L-12012/58/92-IR (B-III)/(B-I)]
P. J MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 74/92

Satish Chander C/o T. C. Sharma, 25, Sant Nagar,
Civil Lines, Ludhiana .. Workman.

Vs.

General Manager, State Bank of Patiala, The Mall,
Patiala .. Respondent.

For the workman—T. C. Sharma.

For the management—Shri N. K. Zakhmi.

AWARD

The Central Government vide letter bearing No. L-12012/58/92-IR (B-III) dated 30th of June 1992 has referred the following industrial dispute to this Tribunal for adjudication.

“Whether the action of the management of State Bank of Patiala in terminating the services of Shri Satish Chander, Head Clerk is justified ? If not, to what relief the workman is entitled ?”

On receipt of the reference notices were issued to the workman as well as to the management. Today the case was fixed for filing of replication and affidavit by the workman. The representative of the workman has made the following statement :

“The workman has not contacted me despite instructions sent. He has not even turned up today. His evidence may be treated as closed.”

The representatives of the management also made the following statement :

“I also close evidence on behalf of the management.”

In view of the above recorded statement of the representatives of the parties, in the absence of any evidence to substantiate the claim of the workman, I have no option but to answer the present reference against the workman. I order accordingly. Appropriate Government be informed. Chandigarh,

Dated : 16-2-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का.आ. 889.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबन्धतत्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[सं. एल.-42012/6/86-डी II(बी)]

राजालाल, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 27-2-1996.

[No. L-42012/6/86-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 50/88

The General Secretary, Nangal Bhakra Mazdoor Sangh,
Nangal Township, Ropar, Punjab

Vs.

The Chief Engineer, Bhakra Dam BBMB Nangal, Town-
ship, Ropar.

For the Union—R. K. Singh.

For the management—C. Lal Sareen.

AWARD

The Central Government vide No. L-42012/6/86-D.II (B) dated 28th July 1988 has referred the following dispute between workman Gajodhar and the management of BBMB to this court for adjudication :—

"Whether the action of the management of BBMB in treating the date of birth of Shri Gajodhar Ex-Beldar/ helper as 7-2-1924 and retiring him from service w.e.f. 1-3-1984 is just? If not, to what relief is the worker entitled to and from what date?"

On receipt of reference notice was sent to the workman who appeared and submitted his statement of claim and pleaded that he joined service as chowkidar with the Township division on 12-5-1958 and continuously remained employed there till 29-2-1984 when his services were terminated on the ground that he had attained the age of superannuation. According to him he is illiterate person and at the time of his entry into service no service record was maintained and the record in the date of birth if any prepared at the instance of the officers/ officials of the management. It is the case of the workman that the management of its own recorded his date of birth as 7-2-1924 without any intimation to the workman. The workman came to know this fact in the year 1981 when he was given regular appointment as per policy decision of the management. He immediately made representation for the correctness of his date of birth but the management kept mum. On the repeated representation of the workman, the management agreed to refer his case to the Principal Medical Officer of the BBMB hospital Nangal in which the Principal Medical Officer was requested to ascertain the age of the workman and the P.M.O. vide his letter No. 85/11E dated 17-9-1984 confirmed that the workman is approximately 53 years of age but the advice of the PMO was ignored nor the management filed any appeal against the assessment of the PMO Canal Hospital BBMB with the Medical Board as provided in the Certified Standing orders. It is the plea of the workman that in the similar case of one Babu Ram, the age determined/assessed by the PMO was accepted and he was allowed to join by the management of the BBMB. According to the workman, the action of the management in terminating his services is illegal and he demanded his reinstatement with full back wages.

The management however pleaded that the reference made to this court is illegal as there no dispute existed necessitating making the reference. Moreover the claim of the workman has not been espoused by the recognised Union or substantial number of workmen. It was denied that the workman was in continuous service from 12-8-1958 to 29-2-1984. The plea taken is that continuity of service runs from 30-10-1969 to 29-2-1984. It is alleged that on joining the job of sweeper-cum-mali, w.e.f. 12-5-1958 the workman filed a declaration with the District Medical Officer of Health Nangal township showing his temporary and permanent home address, educational qualification and other particulars including the date of birth. He declared his date of birth as 7-2-1924 in the said declaration form duly thumb marked by him and also witnessed by one Jagdish Singh and countersigned by the District Medical Officer of Health. On the basis of this

declaration he reached the age of superannuation on 29-2-1984 and accordingly he was retired from the job. The other allegations were denied. It was pleaded that the representations made considered and made by the workman for the change in the date of birth was duly considered and not accepted in view of the declaration made by him. It is also pleaded that report made by the PMO was not specific and therefore, the same was not considered. In short the plea raised is that the management has rightly terminated the services of the workman on attaining the age of superannuation. The workman submitted replication controverting the allegations made in the written statement filed by the management and reiterated his earlier pleas.

On the basis of pleadings, the workman was called upon to lead his evidence. The workman appeared as WW-1 and submitted his affidavit Ex. W-1. During cross-examination, he denied his thumb impression upon the declaration Ex. M-1. However on the request made by the management the specific thumb impressions were taken and got examined from the Handwriting and finger print expert submitted his report Ex. M-2 and opined that the disputed thumb impression and the specimen thumb impressions are of the one and same person. The workman also produced documents Ex. W-2 to Ex. W-5. Ex. W-2 is the office order dated 24-3-1982 in respect of one Babu Ram, whereupon the determination of date of birth by medical authorities in respect of said Babu Ram, was accepted and he was allowed to resume his duties. Ex. W-3 is the certificate dated 11-12-1985 issued by the PMO wherein it was reiterated that the scientific basis for reaching the age of the workman are mentioned in the certificate. Ex. W-4 is the copy of the letter dated 17-9-1984 from the PMO to the Chief Personnel Officer Nangal wherein the age of the workman was given to be approximately 53 years. Ex. M-5 is the copy of letter No. 3436 dated 13-9-1984 from Chief Personnel Officer to the PMO vide which the workman was referred for medical examination with a request that the approximate age of the employee should be given after medical examination. In rebuttal, the management has produced M-1 original declaration given by the workman at the time of his entry into service in which the date of birth have been mentioned to be as 7-2-1924. It contain the thumb impression of the workman. Ex. M-2 is the copy of report of Handwriting Fingure Print expert. Ex. M-3 is the order vide which the services of the workman were terminated. Ex. M-4 is the affidavit of Shri K. S. Walia SDO who appeared as MW-1 and proved his affidavit. The affidavit of the workman and that of the management are on the lines each of them has pleaded in their respective pleadings. Both the tenderer of the affidavit were also cross-examined. The workman during cross-examination admitted the correctness of handwriting expert report Ex. M-2.

I have heard the learned representatives of the parties.

From the above resume of the facts, it is quite evident that the workman made representations regarding correctness of his date of birth to the management and on the basis of the same his case was referred to the PMO as would indeed become clear from Ex. W-5. PMO vide his letter dated 17-9-1984 examined the workman and on the basis of his teeth, hairs and general appearance, he gave his age to be approximately 53 years. The perusal of the office order Ex. W-2 in respect of Babu Ram further shows that PMO Canal Hospital Nangal vide letter dated 26-5-1981 had determined the date of birth of Babu Ram as 25-6-1981. He had not given the age by approximation and had rather choose the specific date of birth. It is also not known whether the said Babu Ram had given declaration regarding his date of birth as indeed are the facts of the present case. It would thus become clear that case of Babu Ram is of no help to the workman in ordering the management to accept the age of 53 years given by approximation by PMO in respect of the workman in the present case. The facts of the present case shows that the workman has himself chosen to give his date of birth as 7-2-1924 in the declaration form in the presence of one Jagdish Singh and countersigned by the District Medical Officer of Health. It was open to the competent authority not to accept the advice of the PMO on the ground that the same was not specific. The workman has not been able to adduce any other documentary evidence on the file to show that the date of birth as entered into the declaration Ex. M-1 is not correct. He should have led evidence before this court

for enabling this court to determine that the age as entered in the declaration Ex. M-1 is not correct and that his date of birth is something else other than purports to be. On the basis this declaration, the management was therefore, justified in concluding that the actual date of birth as entered into the declaration Ex. M-1 in respect of the workman is correct date of birth. That being so, the workman was rightly superannuated on 29-2-1984 on his attaining 60 years of age.

For the reasons recorded above, I am driven to hold that the workman is not entitled to any relief on this score and this reference is bound to be answered against him. I order accordingly. Appropriate Government be informed in this regard suitably.

Chandigarh

Dated : 9-2-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली 29 फरवरी 1996

का. आ. 890—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वी बी एम बी के प्रबन्धांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 फरवरी 1996 को प्राप्त हुआ था।

[सं. एल 42012/169/91 डी-II (बी)]

राजालाल, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 27-2-96.

[No. L-42012/169/91-D-II(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S.R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 11/93

Swaran Singh C/o Shri R.K. Singh Parmar, General Secretary, Nangal Bhakra Mazdoor Sangh, Nangal Township, Distt. Ropar.

.. Workman

Vs.

Chief Engineer, Bhakra Dam, B.B.M.B.
Nangal Township, Distt. Ropar (PB).
.. Respondent

For the workman : Shri R.K. Singh.

For the management : Shri R.C. Sharda.

Central Government vide letter bearing No. L-42012/169/91-D-II(B) dated 7th January, 1993 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of Chief Engineer, Bhakra Dam, Nangal Township Distt. Ropar in terminating the services of Shri Swaran Singh, S/o Shri Karan Singh w.e.f. 28-7-88 is justified ? If not, what relief he is entitled to ?”

On receipt of the reference, notices were issued to the workman as well as to the management. Today the case was fixed for filing of the affidavit by the workman. The representative of the workman appeared and made the following statement :—

“Due to technical defects the workman will raise the fresh demand notice. He does not want to produce any evidence in this reference. The same may be treated as closed.”

The representative of the management also made the following statement :

“I also close my evidence.”

In view of the statements made by the representatives of the parties, recorded, the reference is answered against the workman. Appropriate Govt. be informed.

Chandigarh.

15-2-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली 29 फरवरी 1996

का. आ. 891—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वी बी एम बी के प्रबन्धांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 फरवरी 1996 को प्राप्त हुआ था।

[सं. एल 42012/7/87 डी-II (बी)]

राजालाल, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 27-2-96.

[No. L-42012/7/87 D-II(B)
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S.R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH
ID No. 27/88

Girdhari Lal . . . Workman.

Versus

Executive Engineer Beas Construction Board,
D.P.H. and T.L.S.C. Division (Power
Wing) Slapper (H.P.). . . Respondent.

PRESENT :

Workman representative : Shri S.P. Thakur
Management representative : Shri N.D. Kalra

AWARD

The Central Government, in exercise of the power conferred under clause (d) of Sub-section (1) and Sub-section 2-A of section 10 of the Industrial Disputes Act, 1947, vide No. L-42012/7/87-D.II(B) dated 29-4-88 referred the following dispute to this tribunal for adjudication.—

“Whether the action of the Management Beas Project in terminating Shri Girdhari Lal, cleaner, from service with effect from 1-1-1983 is legal/justified ? If not, to what relief the workman concerned is entitled to and from what date ?”

On receipt of the above reference, notices were sent to the parties by my predecessor. The workman on appearance filed statement of claim, to which the management submitted their written reply. The workman later on also filed amended statement of claim and the respondent management also submitted their reply to the amended statement of claim.

With a view to prove its assertions, the workman submitted his affidavit Exhibit W-1 and stated that he was appointed by the respondent management on 1-7-1992 and was posted at Ganguwal Tehsil Anandpur Sahib, District Ropar as a

cleaner. He also further deposed that he was in possession of driving licence of heavy vehicle. It was further deposed that he was directed by the then S.D.O. Shri Chauhan to drive Truck No. HPB 446 on 28-12-1979 for bringing the material from Sawarghat to Zyadkhana. He also deposed that the keys of the said truck were also given to him by the S.D.O. and this fact is corroborated by the fact that on account of theft of truck and damage to it as a result of accident, No. F.I.R. was got lodged by the S.D.O. concerned against him. It was further deposed by him that he had driven the truck for bringing material for execution of civil works on 28-12-1979 and the same fell into a Khud, as the road on which the truck was being driven was not travel worthy and as a result of the accident, the truck got damage. He, however, admitted that a case under Section 279/337/338 I.P.C. was registered against him, but he was acquitted by the Chief Judicial Magistrate, Bilaspur (H.P.). He further, deposed that he was simultaneously also charge-sheeted by the Department and on completion of enquiry he was dismissed from service. He, however, deposed that the enquiry was not conducted properly and in accordance with the provisions of law. The Respondent management also filed affidavit of Shri D. S. Chauhan, S.D.O. and controverted the assertions of the workman. It was deposed in this affidavit that driver of the truck was Shri Sikander Singh and Shri Gridhari Lal, Cleaner on 28-12-1979 at about 4.30 P.M. had taken the truck without any authority or permission from the competent authority. It was further deposed that he was not even having any valid driving licence. It was also deposed that the workman had admitted that he had taken the truck unauthorisedly for loading some private material from Sawarghat belonging to one Shri Amrit Lal, Shop-keeper of Village Jak Khana. It was also deposed that enquiry was conducted fairly by following the principles of natural justice and thus, the services of the workman were rightly dismissed. Both the deponent of the affidavit had also appeared in the witness box for cross-examination by the opposite party.

I have heard the representatives of the parties and have also gone through the record minutely. The representative of the workman as highlighted above reiterated his stand that the truck had been taken by the workman with the permission of the S.D.O. for loading Government material. He also, in nut-shell, reiterated that the charge-sheet issued to him was defective and vague and that his services were dismissed on the basis of an enquiry, which was not conducted in accordance with law. The representative of the workman also placed on record various documents in support of the assertions of the workman. On the other hand, the representative of the manage-

ment justified and action of respondent management, which according to him was perfectly in order and in accordance with the provisions of law and the rules of the natural justice.

The perusal of the record, in any case, reveals that the Chief Judicial Magistrate, Bilaspur had acquitted the workman of the charges under Section 279/337/338 I.P.C. the plea that the workman had not driven the vehicle in question rashly and negligently and that accident occurred had taken place on account of the fact that the road was no worth driving the vehicle. The departmental proceedings initiated against the workman, as is evident from Exh.W.7, included the charges concerning theft of the vehicle, causing wilful damage to the said property, carrying on private business without permission of the competent authority and unauthorised absence from the headquarters. The charges were obviously distinct from the one for which workman was tried by the Chief Judicial Magistrate, Bilaspur and, as such the competent authority was within its rights to proceed against the workman in the disciplinary case. Exh.M.13 affidavit of Shri O. P. Yadav reveals that the enquiry was conducted against the workman by him and he gave due opportunity to him to defend himself, in cross-examine the prosecution witnesses and to produce defence witnesses. Shri O. P. Yadav deponent also stated in his affidavit that the enquiry was conducted by him in accordance with the standing order and the principles of natural justice. Enquiry report Exhibit W-12 also reveals that enquiry was conducted by the enquiry officer properly and by following the principles of natural justice and the workman was held guilty of charges No. 1, 4 and partly charge No. 5. It is also clear from Exhibit M.2. affidavit of Shri Girdhari Lal. which is attested by the witnesses that on 28-12-1979 he had taken the truck without permission and it fell into the Khud near Jurat Khanna and he had submitted an affidavit dated 29-12-1979 in this behalf to the S.D.O. Exhibit M.1 is the affidavit dated 29-12-1979 of this workman, wherein he admits that he had taken the truck for loading private material belonging to Shri Amritlal Shon-keener of Jakat Khana and he had taken Rs. 40 from him for the carriage of the said material. He also admits that neither the S.O. nor the Driver Sikandar Singh was there when he took the truck. The affidavit of Shri Girdhari Lal. workman clearly shows that the workman had taken the truck for private purposes without permission from the competent authority. It is also clear that he had unauthorisedly drive the vehicle being a cleaner, for doing private work on the Government vehicle. He categorically admits in his cross-examination that the cleaner cannot drive the truck. Apparently he had exceeded his jurisdiction and had stolen and

driven the Government vehicles for using the same for private purposes. I do not find any lapse or illegality in the enquiry report. The record also shows that proper opportunity was afforded to the workman and, thus, the order of dismissal as passed by the respondent management appears to be perfectly legal and justified. The workman is not entitled to any relief from this Court. The reference of the Central Government shall stand answered accordingly. Appropriate Government be suitably informed.

Chandigarh

Dated : February 19, 1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का. आ. 892 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जन्मीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27 फरवरी, 1996 को प्राप्त हुआ था।

[सं. एन 42012/124/92 आई आर (डीयू)]

राजालाल, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 27-2-1996.

[No. L-42012/124/92-IR(DU)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 18/94

Ujjagar Ram S/o Sh. Attar Chand, through General Secretary Nangal Bhakra Mazdoor Sangh, Nangal Township, Distt. Ropar (Pb.). —Workman

Vs.

Chief Engineer, Bhakra Dam, Nangal Township, Distt. Ropar (P.B.) —Respondent
For the Workman—Sh. R. K. Singh
For the Management—Sh. R. C. Sharda

Central Govt. vide letter bearing No. L-42012/124/92-I.R. (D.U.) dated 10th January, 94, has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Chief Engineer, Bhakra Dam, Nangal Township, Distt. Ropar (Pb.) in not promoting Shri Ujjagar Ram, S/o Shri Attar Chand to the post of Charge Man Special Grade II in the pay scale of Rs. 1200-2100 w.e.f. 19-2-86 is legal and justified ? If not, to what relief he is entitled to ?”

On receipt of the reference, notices were issued to the workman as well as to the management. Today the case was fixed for the settlement. The representative of the workman today made the following statement :

‘I close my evidence’.

The representative of the management also made the following statement :

“I also close my evidence in this case.”

In view of the statements made by the representatives of the parties, recorded, the reference is answered against the workman. Appropriate Govt. be informed.

Chandigarh,

12-2-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का.आ. 893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यासरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के पंच पद नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 8 वस्त्र्याई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एन-40012/26/88-डी 2(वी)]

के. थी. बी. उम्पी, डैस्क्रीप्शन अधिकारी

New Delhi, the 29th February, 1996

S.O. 893.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telephone and their workman, which was received by the Central Government on 27-2-96.

[No. 40012/26/2788-D2(B)]

K. V. B. UNNY, Desk Officer

546 GL/96—15

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT—26 of 1989

Employers in Relation to the management of Prabhadevi Telephone Exchange Canteen

AND

Their Workmen

APPEARANCES :

For the Workmen : Shri M. B. Anchan, Advocate.

For the Employer : Shri Ram Gehani Advocate.

Mumbai, dated 7th February, 1996

AWARD

The Government of India, Ministry of Labour, by its order No. I-40012/26/88-D.II(B) dated 23-3-89 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Prabhadevi Telephone Exchange Departmental Canteen in terminating the services of Shri Umesh Bhandari, Washboy w.e.f. 29-11-86 is justified ? If not, to what relief the Workman is entitled to ?”

2. Shri Umesh Bhandari was working as a washboy in a canteen at Prabhadevi Telephone Exchange from 1-1-86. The canteen workers denied equal wages and benefits as applicable to the direct employees of the Bombay Telephones at Delhi. Some of the canteen employees of the non statutory canteen filed a writ petition before the Supreme Court. Their Lordships by their interim order dted 26-9-83 asked the concerned authorities to make the payment of the wages and allowances applicable to the direct employees of the departments to these employees. At some stations the canteen employees were paid wages and allowances as per the Third Pay Commissions recommendations. But at Prabhadevi Telephone Exchange Departmental canteen the wages were not paid as per the directions.

3. Umesh Bhandari the worker raised his voice for himself and for other employees for such discriminations. In the result on 29-11-86 he was first suspended. His suspension order was then removed and again on the same day he was retrenched. The worker was not paid any retrenchment compensation as per the provisions of the Industrial Disputes Act of 1947.

4. The workmen pleaded that after his retrenchment the department employed four fresh hands by paying them Rs. 10/- each and they were terminated at the end of each day. After four months the department engaged three more persons. It is averred that the reasons given for his retrenchment are not bonafide or honest. It is averred that the employee who rejoined duty namely Shri Ketan Shetty is an Asstt. Halwai and not washer boy the work which was done by Umesh Bhandari.

5. The workmen contended that he was a continuous worker and completed 240 days in twelve months preceding the order of retrenchment. As he was not paid any compensation contemplated under the Act and as the retrenchment was not bonafide he is entitled to reinstatement in service, in continuity alongwith full back wages.

6. The management resisted the claim by the written statement Ex-5 and 11. It is averred that as per the order dated 18-2-82 issued by the Government canteen run departmentally in the Central Government Offices are excluded from the definition as Industry under section 2(f) of the I.D. Act of 1947. It is therefore, contended that the employees of such

departmental canteen do not come under the purview of Industrial Disputes Act of 1947.

7. The management pleaded that the employees who are working in the post in the departmental canteen are civil post of the Central Government. It is, therefore the Industrial Dispute Act has no application and the court has no jurisdiction to decide the dispute. The employees will have to go to the Central Administrative Tribunal. In this connection a notification dated 11-12-79 issued by the Government is relied.

8. The management averred that in January, 1986 one of the canteen employees Shri Ketan Shetty, Asstt. Halwaiwala

10. The issues are firmed at Exhibit '6'. The issues and my findings there on are as follows :

Issues

1. Whether this Central Government Industrial Tribunal has jurisdiction to entertain and decide the present reference ?
2. Whether the employees of the Prabhadevi Telephone Exchange Department Canteen are not governed by the provisions of the Industrial Disputes Act ?
- 2-A. Whether the Tribunal has jurisdiction to entertain and decide the reference ?
3. Whether the action of the management of Prabhadevi Telephone Exchange Departmental Canteen in terminating the services of Shri Umesh Bhandari Wash-boy, w.e.f. 29-11-86 is justified ?
4. If not, to what relief the workman is entitled ?
5. What Award ?

REASONS

11. Umesh Bhandari, lead evidence at Ex-'9'. He is supported by Jayprakash Shetty (Ex. 16) the office bearer of the Union. As against this Kavita Ahuja (Ex-26) lead evidence on behalf of the management. They relied upon the documents which are produced on the record.

12. Mr. Gehani, the Learned Advocate for the management vehemently argued that the Tribunal had no jurisdiction to decide the matter. To support his contentions he mainly relied upon the circular issued by the Government and the applicability of the provisions of the Administrative Tribunals Act of 1985. As against this Mr. Anchan the learned Advocate for the union argued that the matter is decided by the higher authorities that the employees working in Departmental canteen of Telephones are governed by the Industrial Disputes Act of 1947.

13. Virendra Patil, Minister of Labour and Rehabilitation, India, New Delhi addressed a letter to Samar Mukherjee dt. 27-5-84 (Annex 'A', Ex-32) where in he had categorically mentioned that unless exemption is provided under the Industrial Disputes Act Departmental Canteen will be considered under the definition of the Industry under the Industrial Disputes Act. In view of this the Industrial Disputes Act relating to canteen are being processed on merits. It can be seen that there is no specific exemption of Departmental canteen under the Industrial Disputes Act of 1947. It is rightly argued on behalf of the worker on the basis of this letter that the Government decided to treat these canteens as an Industry unless the exemption is given. It is not in dispute that in the said canteen manufacturing process such as manufacturing Idli, Dosa, Samosa and other eatables are prepared. Therefore, it is a Factory under the Factories Act of 1948.

14. It can be further seen that the canteen management signed a memorandum of settlement dt. 14-4-86 under section 12(3) of the Industrial Disputes Act of 1947 before the conciliation officer and the Asstt. Labour Commissioner for reinstating Shri K. Shetty (Annex B Ex-32). This itself goes to show that the management accepted canteen as an industry and the employees working there are the workers.

15. Mr. Anchan the Learned Advocate for the union also placed reliance on the judgment of the Bombay High Court

went on leave. After adujustment one post fell vacant. Thereafter Umesh Bhandari was employed in that post. Later on Shetty was ordered to be reappointed in view of the settlement before the Asstt. Labour Commissioner. A departmental canteen of 'A' type which was run in that exchange at a maximum strength of 19 workers. After rejoining Shetty, Bhandari's post became surplus. He was the junior most. It is therefore, he was illegally retrenched.

9. The management denied that the orders of the Supreme Court were not followed by them. It is averred that the action which is taken against Umesh Bhandari was as per the rules and he is not entitled to the relief which he sought for.

10. The issues are firmed at Exhibit '6'. The issues and my findings there on are as follows :

Findings

Yes

They are governed by the provisions of the Industrial Disputes Act.

Yes

No.

As per order.

As per order.

in writ petition No. 3298 of 1988 (Annex C. Ex-32). Their Lordships have observed "An apprehension was voiced on behalf of appellant that in case the dispute goes before the Competent Authority under the relevant Statute an objection might be raised on behalf of the respondent authorities that since the members of the Association are employed in canteens run departmentally by the respondent Corporation which the said Competent Authority would not have jurisdiction to adjudicate the dispute. We do not see any valid reason for the entertainment of such apprehension not have any doubt that even such objection is raised to allay the apprehension a statement has been made on behalf of the respondent authorities that no such objection would be taken before the Competent Authority."

16. The Learned Advocate for the management agreed that the Tribunal has to consider the fact of the said order on the present reference. He submitted that after reading the said order it is seen that their Lordships have not considered the notification dt. 11-12-79 referred to above. Further their Lordships have not considered the relevant provisions of the Administrative Tribunals Act of 1985. It is therefore submitted that it has to be seen whether the said order operates as an estoppel against the employer raising the plea of jurisdiction and/or the said order can be treated as a binding precedent preventing the employer from raising the contention as to the jurisdiction of the Honourable Court to entertain this reference. To substantiate this contention he placed reliance on Union of India V/s. K.S. Subramanian (1989-I CLR 82(SC) and Mazdoor Congress and others and N.L. Balchandra (1994-II I.I.N 113). After perusal of these authorities I am not inclined to accept that whatever submission made by the Learned Advocate for the management had a merit. The Bombay High Courts by the decisions which I have already referred to above had clearly settled the issue and come to the conclusion that these employees are industrial workers and therefore the provisions of the Industrial Disputes Act are applicable to them.

17. It is tried to argue on behalf of the management on the basis of Administrative Tribunals Act of 1995 an R.N.A. Britto V/s. Chief Executive 1995 LABIC 2255 that the posts which are held by these employers are civil posts and the Industrial Disputes has no application. From the above said discussion it reveals that Prabhadevi Departmental canteen is an industry as defined under Section 2(i) of the Industrial Disputes Act of 1947 and the provision of the

Industrial Disputes Act of 1947 are applicable to the staff of Prabhadevi Telephone Exchange Departmental Canteen. As such the Tribunal had jurisdiction to decide the matter.

18. It is not indisputable that the staff members taking advantage of the departmental canteen were not less than 2500. It is also not in dispute the canteen which was run there was 'A' type, the number of employees required to run such an 'A' type canteen is 19. Umesh and Jayprakash supports each other on the point that Umesh worked as washer boy from 1-1-86 till 29-11-86. There is no dispute that he was in continuous service without having any break. They affirmed that he worked on holidays and Sundays. According to them he worked continuously for more than 240 days.

19. Kavitha Ahuja (Ex-26) affirmed that the worker had not attended complete 240 days. Then she was asked to produce the pay register of the workman. She agreed to produce the same if available. She is not firm on the point that how many days the worker completed in a year. According to her the wage register has to be kept for five years. Mr. Anchan the Learned Advocate for the workman argued that as per the Administrative instructions such a register has to be retained for 35 years and not five years as stated by the witness, I do appreciate that sometimes it may happen the register is not traceable and therefore it cannot be produced. But here the testimony is quite contrary which leads to think that the management is not ready to produce the register which are relevant in the matter. Under such circumstances an adverse inference has to be drawn to the effect that the workman had continuously worked for more than 240 days in the year prior to his termination.

20. It is not in dispute that one Umesh was retrenched. He was not given a one months notice nor a compensation as contemplated under the Industrial Disputes Act when a retrenchment is effected. It is tried to argue that as the Industrial Disputes Act is not applicable to the worker there was no question of making such a payment as alleged. I have come to the conclusion that the provisions of the Industrial Disputes Act are applicable to the worker. I also come to the conclusion that as the worker had completed more than 240 days in the 12th months he is a continuous worker. It is therefore, while retrenching him from the service the provisions of the Industrial Disputes Act are applicable. He has to be given a notice and the compensation. It is not given. Obviously his retrenchment is illegal, void ab-initio.

21. It is not in dispute that the workman was taken back on duty from 8-4-93. As I have come to the conclusion that his retrenchment is void he is entitled to reinstatement in service with full back wages and continuity. It is needless to discuss the point whether reasons given for his retrenchment were illegal or not. For the sake of argument if it is said that it is legal even then for non compliance of the provisions of Industrial Disputes Act he is entitled to reinstatement in service with full back wages. In the result I record my findings on the issues accordingly and pass the following order :

ORDER

1. The action of the management of Prabhadevi Telephone Exchange Departmental Canteen in terminating the services of Shri Umesh Bhandari, Wash boy w.e.f. 29-11-86 is not justified.
2. The management is directed to reinstate the workman in service in the same capacity from the date of his retrenchment.
3. The management is directed to treat him in continuous service and pay him full back wages till his appointment on 8-4-93.
4. No order as to costs.

7-2-96

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 फरवरी, 1996

का.आ. 894—श्रीदौषिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

द्वार संचार के प्रबन्धनतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदौषिक विवाद में श्रीदौषिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 23-2-96 को प्राप्त हुआ था।

[संख्या एल-40012/118/90/आई.आर. (डी.यू.)]

के, वी. वी. उम्मी, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 894.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 23-2-96.

[No. L-40012/118/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I,
HYDERABAD

PRESENT :

ANNEXURE

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.
Dated : 18-12-1995

INDUSTRIAL DISPUTE NO. 36 OF 1995

BETWEEN

Sri A. Nagaraju C/o N.R. Lakshmana Murthy,
Telephone Operator, Telephone Exchange,
Madanapalli, Chittoor Dist. (A.P.) .. PETITIONER

AND

1. The Divl. Engineer, Telecommunications,
Tirupathi-517501.

2. The Sub-Divl. Officer, Telecommunications,
Madanapalli, Chittoor Dist. (A.P.)

.. RESPONDENT

APPEARANCES :—

I. Venkata Narayana and Kum. Bharati, Advocates for the Petitioner.

Sri P. Damodar Reddy, Advocate filed memo of appearance for the Respondents.
Respondents set ex parte on 12-10-1995.

AWARD

The Government of India, Ministry of Labour, New Delhi, by its Order No. L-40012/118/90-IR(DU), dt. 17-1-1995 made this reference under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 (hereinafter called the Act) for adjudication of the Industrial Dispute mentioned in the schedule which reads as follows :—

"Whether the action of the Sub-Divisional Officer, Telecommunications, Madanapalli, Chittoor Dist. (A.P.) in terminating the services of Sri A. Nagaraju Short Duty Telephone Operator by the end of September, 1981 is proper, legal and justified? If not, to what relief the workman is entitled?"

This reference has been registered as Industrial Dispute No. 36/95. After receiving notices issued by this Tribunal the petitioner workman is being represented by his counsel. The Assistant Government Pleader filed memo of appearance on behalf of the Respondent.

2. On behalf of the Petitioner/Workman, a claim statement has been filed to the following effect :—

The petitioner Sri A. Nagaraju was appointed as Short Duty Telephone Operator in the Respondent establishment and he joined duty on 24-11-80 and he was retrenched w.e.f. 29-9-81. The petitioner was employed for a total period of 330 days in addition to 50 days overtime work. Thus the petitioner should be deemed to have been employed for 380 days before his retrenchment. The petitioner was terminated by verbal orders by the Respondent without any notice. The Petitioner submitted a representation to the Divisional Engineer Telecommunications, Tirupathi and sent several other reminders subsequent to his retrenchment. But no action was taken. The discharge of the workman amounts to retrenchment within the meaning of Section 2(oo) of the Act. The petitioner was not issued one month notice nor paid one month pay in lieu of retrenchment notice and he was also not paid the retrenchment compensation as required under the provisions of Section 25(F) of the I.D. Act. The Respondent also did not follow the orders of the Director General of Posts and Telegraphs Department, New Delhi. The scheme known as Reserve Trained Pool was introduced by Government of India in the year 1982. As per the said scheme the respondent herein has to prepare Reserve Trained Pool Panel and they should be appointed in the permanent vacancies as and when vacancies arise. The petitioner herein had undergone training under the respondent and as such he is entitled to be given preference. The respondent had appointed nine persons as Telephone Operators and they have not worked as Short Duty Telephone Operators. The Respondent violated the orders of the Director General of Posts & Telegraphs and not created the Reserve Trained Pool as per the instructions under the letter dated 7-9-1982. Even otherwise the petitioner-workman was entitled to be treated as Reserve Trained Pool Telephone Operator in accordance with the Director General clarification dt. 28-3-1981. As the respondent failed to consider the representation of the petitioner/workman the petitioner approached the Assistant Commissioner of Labour, Vijayawada and raised a dispute. The Asst. Commissioner of Labour called for conciliation meetings, but the respondent/management expressed its inability to consider the case of the petitioner and therefore the conciliation proceedings ended in failure and the Asst. Commissioner of Labour submitted his failure report to the Government of India. The Government of India decided not to refer the dispute for adjudication by its proceedings dt. 31-1-91. Hence the petitioner filed a Writ Petition before the High Court of Andhra Pradesh in W.P. No. 10696 of 1991 and the Hon'ble High Court of Andhra Pradesh was pleased to issue writ of certiorari under Article 226 of the Constitution of India and set aside the orders of the Government of India and directed the petitioner to file a fresh representation before the Central Government. As per the directions of the Hon'ble High Court of A.P., the petitioner submitted his application before the Government of India, Ministry of Labour, New Delhi and thereafter the Government of India, Ministry of Labour referred the said dispute for adjudication to this Tribunal.

In I.D. No. 29 of 1988 (between G. Rama Murthy and the DET, Bhimavaram, East Godavari District) this Tribunal allowed the claim of the workman and directed the management to reinstate the workman. The facts of that case are similar to the facts of the present petitioner herein. The said orders were upheld by the Hyderabad Bench of Central Administrative Tribunal by its order in O.A. No. 927 of 1991. The petitioner is entitled to similar treatment and for similar benefits in as much as his case stands on an identical footing. The petitioner could not secure any alternate employment inspite of his best efforts. The petitioner is entitled for reinstatement and absorption as regular telephone Operator. Hence the Tribunal may be pleased to pass an award directing the respondent to reinstate the petitioner and absorb him as regular Telephone Operator or as Telecom Office Assistant with continuity of service and may grant benefits which are consequential and incidental to his reinstatement and absorption.

4. Though several opportunities were given for the Respondent/Management to file its counter the respondent failed to file counter. Hence the respondent has been set-ex parte.

4. On behalf of the petitioner, W.W1 is examined and Exs. W-1 to W-12 are marked. The petitioner A. Nagaraju got himself examined as W.W1 and he deposed to the averments in his claim statement. No oral or documentary evidence is adduced on behalf of the Respondent/management. The details of the documents Exs. W1 to W12 marked on behalf of the petitioner/workman are appended to this Award.

5. The points that arise for consideration are as follows :—

1. "Whether the action of the Sub. Divisional Officer, Telecommunications Madanapalli, Chittoor District (AP) in terminating the services of the petitioner Sri A. Nagaraju Short Duty Telephone Operator w.e.f. 29-9-1981 is justified?"

2. To what relief the petitioner, A. Nagaraju is entitled?"

6. Point-1 : The admitted facts as revealed from the evidence on record are as follows :—

The petitioner Sri A. Nagaraju was selected provisionally to work as Short Duty Telephone Operator in the Telephone Exchange, Madanapalli by the order dt. 18-11-1980. Ex. W2 is the xerox copy of the list of selection of 14 candidates as Short Duty Telephone Operators. The petitioner herein is at S. No. 8 in the said list. The selection of the petitioner is subject to the conditions laid down in the said selection order. In pursuance of the said selection the petitioner joined duty as Short Duty Telephone Operator on 24-11-80 and his services were orally terminated on 29-9-1981. The petitioner was not given any notice or pay in lieu of notice regarding his termination and he was also not paid any retrenchment compensation. Ex. W1 is the xerox copy of the certificate issued by the Junior Engineer Phones, Madanapalle to the effect that the petitioner Sri A. Nagaraju was employed as Short Duty Telephone Operator in the Telephone Exchange, Madanapalle from 24-11-80 to 28-9-1981 and that his work was satisfactory during the said period. Ex. W3 is said to be a copy of representation dt. 7-2-1982 sent by the petitioner to the Divisional Engineer, Telephones, Tirupathi with a request to consider his case and to appoint him as Telephone Operator. Exs. W4, W5 and W6 are certificates of Posting addressed to the Divisional Engineer, Telecommunications, Tirupathi. It is also admitted that the petitioner herein raised a dispute before the Assistant Commissioner of Labour (C), Vijayawada and conciliation efforts ended in failure. Under Ex. W7 dt. 29-6-1990, the Asst. Labour Commissioner (C), Vijayawada submitted his failure report to the Secretary to Government of India, Ministry of Labour, New Delhi. Government of India, Ministry of Labour, New Delhi informed the petitioner and others about its decision not to refer the said dispute for adjudication. There upon the petitioner and others filed W.P. No. 10696 of 1991 on the file of High Court of A.P. Hyderabad against Government of India assailing the orders passed by the Central Government in rejecting the plea of reference of the petitioner for adjudication before the Industrial Tribunal. The Hon'ble High Court of A.P. by its Judgement dt. 2-9-1994 set aside the orders of the Government and directed the petitioner to file fresh application before the Government of India, Ministry of Labour, New Delhi and Government of India was directed to consider the said application of the petitioner. Ex. W8 is the copy of the judgement in W.P. No. 10696 of 1991. In pursuance of the directions of the High Court, the petitioner submitted a petition to the Government of India, Ministry of Labour, New Delhi, seeking reference of the dispute to the Industrial Tribunal under Section 10 of the I.D. Act. Thereafter the Government made this reference.

7. The learned counsel for the petitioner submits that the petitioner worked continuously for 330 days i.e. from 24-11-1980 to 28-9-1981 as Short Duty Telephone Operator that without giving any notice or pay in lieu of notice and without paying retrenchment compensation as required under Section 25(F) of the Act, the petitioner has been retrenched from service and as such it is illegal and the petitioner is entitled for reinstatement with back wages and continuity of service.

8. It is well settled that all Retrenchment is termination of service but all termination of service may not be retrenchment. In order to be 'retrenchment' termination of service

has to fail within the ambit of definition of retrenchment as under Section 2(oo) of the Act. Further Section 25(F) of the Act prescribes the requirements of notice and compensation as conditions precedent to retrenchment of a workman. Termination of service of a workman as a measure of retrenchment without complying with the requirements under Section 25(F) of the Act will be illegal. It is also well settled that the burden of proof to be established that the termination of service of the workman is 'retrenchment' is on the person put forward the claim. In other words where the employee claims that he has been retrenched, he must prove that he has been retrenched from service and it is not for the employer to prove that the discharge or the termination of the employee was otherwise than by way of retrenchment. In discharge of that burden, in the instant case, the petitioner got himself examined as W.W1. It is in his evidence that he worked as Short Duty Telephone Operator in the respondent establishment from 24-11-1980 to 28-9-1981, that without any reason he has been discharged from service without giving any notice or paying wages in lieu of notice, or retrenchment compensation. It is also well settled that discharge simplicitor does not amount to 'retrenchment'. If the termination actuated by motive of victimisation or unfair labour practice it amounts to retrenchment. Hence it has to be seen whether the discharge of the petitioner w.e.f. 29-9-81 amounts to retrenchment as defined under Section 2(oo) of the Act.

9. As earlier stated Ex. W2 is the xerox copy of the letter dt. 18-11-80 selecting the petitioner and 13 others as Short Duty Telephone Operator. The name of the petitioner is at Sl. No. 8 in this letter. As seen from this letter the petitioner and other selected candidates were informed that it is not a regular appointment as an Operator but purely an engagement on casual basis to be paid at hourly rate to make good the dearth of regular operators due to absenteeism etc., and that they will not be engaged for more than 3 hours at a time, that the payment will be made once in a week or once in a month depending upon the engagement and payment will be at Rs. 2 per hour or as prescribed from time to time and that they will be given elementary training for three days to ten days without any payment and this engagement on casual basis does not confer any entitlement for appointment as regular operators. Obviously accepting these terms only the petitioner had joined as Short Duty Telephone Operator on 24-11-80. It is clear from this letter of selection Ex. W2 that the petitioner was appointed to tide over the difficulty of absenteeism of regular telephone operators and it is purely on casual basis, to be paid at hourly rate and it is no permanent job and the petitioner is not entitled to claim appointment as regular operator. The petitioner is not employed on regular basis against permanent vacancy, obviously he was engaged as the attendance of the regular telephone operators was poor. Therefore the discharge of the petitioner is a discharge simplicitor. It cannot be said that it has been motivated by vindictiveness or due to unfair labour practice on the part of the respondent. The petitioner cannot be continued in service after the return of the regular Telephone Operators to the office. Therefore the termination of the service of the petitioner does not amount to 'retrenchment' as defined under Section 2(oo) of the Act.

10. The claim of the petitioner for reinstatement has also become stale. Admittedly the petitioner was discharged from service w.e.f. 29-9-81. As seen from Ex. W7 the petitioner submitted a letter raising the dispute before the Assistant Commissioner of Labour (C), Vijayawada and the said letter was received in the office on 30-1-1990. Conciliation meetings were held on 8-3-1990, 10-4-90, and 26-6-1990. Therefore the said dispute was raised before the Assistant Commissioner of Labour (C), Vijayawada only on 30-1-1990. Thus he raised the dispute nearly a decade after his discharge from service. The petitioner slept over the matter for over a decade before he raised the dispute for reinstatement. No explanation is forthcoming for such abnormal delaying raising the dispute. The petitioner is relying on Exs. W3, W4, W5 and W6 to show that he made some representations to the Divisional Engineer, Telecommunications, Tirupathi for reinstatement. Ex. W7 is said to be the representation dt. 7-2-1982. In the claim statement there is no mention

with regard to this representation dt. 7-2-1982. There is also nothing on record to show that the original of this letter has been sent to the respondent. Exs. W4, W5 and W6 are the certificates of posting. Office copies of the letters sent under these certificates of posting are not produced before this Tribunal. Nothing prevented the petitioner from submitting the office copies of the letters sent under this certificates of posting.

The claim of the petitioner for reinstatement after such a long time cannot be sustained.

It is well settled that the Courts will not normally enquire into the belated and stale claims as such enquiry may lead to unhealthy practice resulting in improper exercise of discretion. In "DEHRI ROHTAS LIGHT RAILWAY Co. Vs. DISTRICT BOARD, BHOJPUR" (1992-II SCC 398) their Lordships of Supreme Court observed thus :—

"The rule which says that the Court may not enquire into the belated and stale claim is not a rule of law, but a rule of practice based on sound and proper exercise of discretion. Each must depend upon its own facts. It will all depend on what the breach of the fundamental rights and the remedy claimed are and how delay arose. The principle on which the relief to the party on the grounds of laches or delay is denied is that the right which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay."

As earlier stated no explanation is forthcoming on behalf of the petitioner for such long delay in raising the claim for reinstatement. Admittedly many others have been employed as Telephone Operators subsequent to the discharge of the petitioner. By permitting the petitioner to raise this stale claim at this belated stage, it results in settled matters becoming unsettled. Therefore the claim of the petitioner cannot be entertained as it has become stale.

11. The learned counsel for the petitioner submits that in a similar case by one Sri Ramamurthy in I.D. No. 29 of 1988 against the Divisional Engineer (Telecom), DET, Bhimavaram, West Godavari District Andhra Pradesh this Tribunal upheld the demand of the workman for absorption on regular basis either as Telephone Operator or as Telecom Office Assistant and the said orders of this Tribunal were upheld by the Central Administrative Tribunal of Hyderabad Bench in O.A. No. 927 of 1991 and that this petitioner is also entitled for similar treatment and for similar benefits in as much as this case stands on identical footing.

This argument cannot be substantiated for the reason that simply because this Tribunal upheld the demand of a workman in I.D. No. 29 of 1988 it cannot be said that the petitioner herein is also entitled for the same relief. The award in I.D. No. 29 of 1988 and the order of the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 927 of 1991 referred to by the learned counsel for the petitioner, are not produced before this Tribunal. It is not known under what circumstances the claim of the workman Sri G. Rama Murthy was allowed in I.D. No. 29 of 1988. We are not aware of the facts in that case. The claim of the petitioner herein is a speculative one.

12. The learned counsel for the petitioner submits that as per the Circular order dt. 7-9-1982 the petitioner is entitled to be included in the panel of Reserve Trained Pool (RTP) and he should be recruited as Telephone Operator in preference to others as and when vacancies arise. But the copy of the said circular order is not filed before this Tribunal. The learned counsel for the petitioner also submits that the Central Administrative Tribunal, Hyderabad Bench in Transfer Application Nos. 38 & 39 of 1988 have allowed the claim of some of the Short Duty Telephone Operators on the basis of circular order dt. 7-9-1982. The copy of the judgement of the Central Administrative Tribunal has been filed and marked in I.D. No. 29 of 1995. Which is also coming up for orders. The said judgment of the Central Administrative Tribunal and the Circular order dt. 7-9-82

are not applicable to the petitioner herein. Under the Circular order dt. 7-9-82, the Short Duty Telephone Operators who are in service by the date of that order alone will have preference over others while creating the reserve Trained Pool Panel. But in the instant case, the petitioner herein was discharged from service w.e.f. 29-9-1981 i.e. long before the said circular was issued. The Judgement of the Central Administrative Tribunal referred to by the learned counsel for the petitioner is also not applicable to the facts in this case. In that case the Short Duty Telephone Operator was on duty by the date of issuance of the circular order 7-9-82 and he was discharged from duty on 5-7-1983. Therefore their Lordships of Central Administrative Tribunal, Hyderabad Bench held that in pursuance of the circular orders that workman ought to have been continued in service though his name did not find place in the 'B' List and therefore termination of that workman was held as invalid. As earlier stated the petitioner herein was discharged from service before the circular order dt. 7-9-1982 was issued. Hence the petitioner herein is not entitled for reinstatement on the basis of the said circular order dt. 7-9-1982.

13. The learned counsel for the petitioner submits that no evidence has been adduced on behalf of the respondent who remained ex-parte and that no counter has been filed and no rebuttal evidence has been adduced on behalf of the respondent. It is true, for the reasons best known to him, the respondent remained ex-parte from the beginning. But, as earlier stated, the burden lies on the petitioner to establish that his termination is 'retrenchment' under the definition of Section 2(oo) of the I.D. Act. Considering the evidence on record I am of the opinion that the petitioner relied to discharge that burden and he failed to prove that his termination comes under the definition of 'retrenchment' under Section 2(oo) of the Act. His termination is only discharge simplicitor.

14. The learned counsel for the petitioner submits that subsequent to the retrenchment of the petitioner, the respondent appointed 89 persons as Short Duty Telephone Operators on 20-1-1982 under Ex. W9 and also appointed 9 more persons as short duty telephone Operators on 21-8-1983 under Ex. W10 without considering the claims of the petitioner, and as such there is violation of provisions under Section 25 of the Act. The provisions under Section 25H are applicable in the case of only retrenched workmen. In the instant case, I have held that the termination of the petitioner is not retrenchment but it is only a discharge simplicitor. Hence there is no violation of the provisions under Section 25H of the Act.

15. In the light of my above discussions, I have no hesitation to conclude that the discharge of the petitioner is only discharge simplicitor and it is not actuated by any motive of vindictiveness or unfair labour practice and therefore the termination of the petitioner is not done within the definition of 'retrenchment' under Section 2(oo) of the Act, and the respondent need not comply with the statutory requirements under Section 25(F) Act and the claim of the petitioner for reinstatement has become stale due to lapse of time. Hence I hold on the point that the action of the respondent in terminating the services of the petitioner Sri A. Nagaraju w.e.f. 29-9-81 is justified. The point is thus decided in favour of the Respondent and against the petitioner.

16. Point 2 :—This point relates to the relief to be granted to the petitioner in this reference. In view of my findings on point No. 1 the petitioner is not entitled for any relief in this reference.

17. In the result award is passed stating that the action of the respondent in terminating the services of the petitioner A. Nagaraju w.e.f. 29-9-81 is justified and the petitioner is not entitled for any relief under this reference. Thus the reference is answered. The parties are directed to bear their costs.

Dictated to the typist, corrected by me and given under my hand and the seal of this Tribunal on this the 18th day of December, 1995.

A. HANUMANTH, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined
for the Petitioner

Witnesses Examined
for the Respondents
NIL

W.W1 A. Nagaraju

Documents marked for the Petitioner :

Ex. W1—Service Certificate of the workman.
Ex. W2—Xerox copy of the letter dt. 18-11-80 selecting the candidates for short duty telephone operators.
Ex. W3—Representation dt. 7-2-82 of the workman.
Ex. W4 to Ex. W6—Certificate of Postings.
Ex. W7—Failure report dt. 29-6-90.
Ex. W8—Order dt. 2-9-1994 in WP No. 10696/91 of the Hon'ble High Court.
Ex. W9—Xerox copy of the letter dt. 20-1-82 Allotment of short duty telephone Operators to the Exchanges.
Ex. W10—Xerox copy of the Letter dt. 21-6-83 Posting of RTP IO's on completion of 8 months training.
Ex. W11—Xerox copy of the SSLC Certificate of the workman.
Ex. W12—Xerox copy of the Provisional Certificate in B. Com. of the workman.

Documents marked for the Respondents :

NIL

नई दिल्ली, 29 फरवरी, 1996

का.आ. 895.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट आंदोलिक विवाद में आंदोलिक अधिकरण, हैंगामा दूर संचार के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 23-2-96 को प्राप्त हुआ था।

[संख्या एल-40012/114/90-आई.आर. (डी.यू.)]
के. वी. वी. उम्री, डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on 23-2-1996.

[No. L-40012/114/90-IR (DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, HYDERABAD
PRESENT :

Sri A. Hanumanthu, M.A.L.L.B. Industrial Tribunal-I.

Dated, the 18th December, 1995

Industrial Dispute No. 30 of 1995

BETWEEN

Shri S. Mastanvali S/o S. Muradshah,
No. IV/392-B, Avenue Road, Madanapalli,
Chittoor District (A.P.) ... PETITIONER

AND

1. The Divl. Engineer, Telecommunications, Tirupathi-517501.
2. The Sub-Divl. Officer, Telecommunications, Madanapalli, Chittoor Dist. (A.P.) .. RESPONDENTS

APPEARANCES :

Sri I. Venkata Narayana and Kum. Bharati, Advocates—
for the Petitioner.

Sri P. Damodar Reddy, Advocate filed memo of appearance—
for the Respondent.

Respondent was set ex-parte on 23-9-1995.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-40012/114/90-IR (D.U.) dated 17-1-1995 made this reference under Section 10(1)(d) and 2-A of Industrial Disputes Act, 1947 (hereinafter called the Act) for adjudication of the Industrial Dispute mentioned in the Schedule which reads as follows :

"Whether the action of the Sub-Divisional Officer Telecommunications, Madanapalli, Chittoor District (A.P) in terminating the services of Sri S. Masthan Valli Short Duty Telephone Operator by the end of September, 1981 is proper, legal and justified. If not, to what relief the workman is entitled to?"

This reference has been registered as Industrial Dispute No. 20 of 1995. After receiving notices issued by this Tribunal, the petitioner-workman is being represented by his counsel. The Asst. Government Pleader filed memo of appearances on behalf of the Respondent.

2. On behalf of the petitioner-workman a claims statement has been filed to the following effect :

The petitioner S. Masthan Valli was appointed as Short Duty Telephone Operator in the Respondent-establishment and he joined duty on 24-11-1980 and he was retrenched with effect from 13-8-1981. The petitioner was employed for a total period of 283 days in addition to 45 days of Overtime work, thus the petitioner should be deemed to have been employed for 330 days before his retrenchment. The petitioner was terminated by verbal order by the Respondent without notice. The petitioner submitted a representation to the Divisional Engineer, Telecommunication, Tirupathi and send several other reminders subsequent to his retrenchment. But no action was taken. The discharge of the workman amounts to retrenchment within the meaning of Section 2(oo) of the Act. The petitioner was not issued one month notice or one month pay in lieu of retrenchment notice and he was also not paid the retrenchment compensation as required under the provisions of Section 25(F) of the I. D. Act. The respondent also did not follow the order of the Director General of Posts and Telegraphs Department, New Delhi. The scheme known as Reserve-Trained Pool was introduced by Government of India in the year 1982. As per the said scheme the respondent herein has to prepare Reserve Trained Pool panel and they should be appointed in the permanent vacancies as and when arise. The Petitioner herein had undergone training under the Respondent and as such he is entitled to be given preference. The respondent had appointed nine persons as Telephone Operators and they have not worked as Short Duty Telephone Operators. The Respondent violated the orders of the Director General of Posts and Telegraphs and not created the Reserve Trained Pool as per the instructions under the letter dated 7-9-1982. Even otherwise

the petitioner/workman was entitled to be treated as Reserve Trained Pool Telephone Operator in accordance with the Director General clarification dated 28-3-1981. As the respondent failed to consider the representation of the petitioner/workman the petitioner approached the Asst. Commissioner of Labour, Vijayawada and raised a dispute. The Asst. Commissioner of Labour called for conciliation meetings, but the respondent/management expressed its inability to consider the case of the petitioner and therefore the conciliation proceedings ended in failure and the Asst. Commissioner of Labour submitted his failure report to the Government of India. The Government of India decided not to refer the dispute for adjudication by its proceedings dated 31-1-1991. Hence the petitioner filed a Writ Petition before the High Court of Andhra Pradesh in W.P. No. 10696 of 1991 and the Hon'ble Court of Andhra Pradesh was pleased to issue writ of certiorari under Article 226 of the constitution of India and set aside the orders of the Government of India and directed the petitioner to file a fresh representation before the Central Government. As per the directions of the Hon'ble High Court of A.P. the petitioner submitted his application before the Government of India, Ministry of Labour, New Delhi and therefore the Government of India, Ministry of Labour referred the said dispute for adjudication to this Tribunal.

In I. D. No. 29 of 1988 (Between G. Rama Murthy and the DET, Bhimavaram, West Godavari District), this Tribunal allowed the claim of a workman and directed the Management to reinstate the workman. As the facts of that case are similar to the facts of the present petitioner herein. The said orders were upheld by the Hyderabad Bench of Central Administrative Tribunal by its order in O.A. No. 927 of 1991. The petitioner is entitled to similar treatment and for similar benefits in as much as his case stands on an identical footing. The petitioner could not secure any alternative employment inspite of his best efforts. The petitioner is entitled for reinstatement and absorption as Regular Telephone Operator. Hence the Tribunal may be pleased to pass an award directing the respondent to reinstate the petitioner and absorb him as regular Telephone Operator or as Telecom Office Assistant with continuity of service and may grant benefits which are consequential and incidental to his reinstatement and absorption.

3. Though several opportunities were given for the Respondent/Management to file its counter the respondent failed to file counter. Hence the respondent has been set ex-parte.

4. On behalf of the petitioner, WW-1 is examined and Exs. W-1 to W-17 are marked. The petitioner S. Masthan Valli got himself examined as WW-1 and he deposed to the averments in his claims statement. No oral or documentary evidence is adduced on behalf of the respondent-Management. The details of the documents Exs. W-1 to W-17 marked on behalf of the petitioner workman are appended to this Award.

5. The points that arise for consideration are as follows :

1. "Whether the action of the Sub-Divisional Officer Telecommunications Madanapalli, Chittoor District, (A.P.) in terminating the services of the petitioner Sri S. Masthan Valli, Short Duty Telephone Operator w.e.f. 13-8-1981 is justified ?
2. To what relief the petitioner, S. Masthan Valli is entitled ?"

6. Point No. 1—The admitted facts as revealed from the evidence on record are as follows :

The petitioner Sri S. Masthan Valli was selected provisionally to work as Short Duty Telephone Operator in the Telephone Exchange, Madanapalli which is under the control of the respondent herein by the order dated 19-11-1980. Ex. W-2 is the xerox copy of the list of selection of 14 candidates as short duty Telephone Operators. The petitioner herein is at Sl. No. 3 in the said list. The selection of the petitioner is subject to the conditions laid down

in the selection order. In pursuance to the said selection, the petitioner joined duty as Short Duty Telephone Operator on 24-11-1980 and his services were orally terminated on 13-8-1981. The petitioner was not given any notice or pay in lieu of notice regarding his termination and he was also not paid any retrenchment compensation. Ex. W-1 is the xerox copy of the certificate issued by Jr. Engineer, Phones to the effect that Sri S. Masthan Vali was employed as Short Duty Telephone Operator in the Telephone Exchange, Madanapalli on 24-11-1980 to 13-8-1981 and that he worked satisfactorily during the said period. Ex. W-3 is the said to be a copy of representation dated 7-2-1982 sent by the petitioner to the Divisional Engineer, Telegraphs, Tirupathi with a request to consider his case and to appoint him as Telephone Operator. Exs. W-4, W-5 and W-6 are the xerox copies of Certificates of Posting addressed to the Divisional Engineer Telecommunications, Tirupathi. It is also admitted that the petitioner herein raised a dispute before the Asst. Commissioner of Labour (C), Vijayawada and conciliation efforts ended in failure. Ex. W-7 is the xerox copy of the notice dated 19-2-1990 issued by the Asst. Commissioner of Labour (C), Vijayawada to the petitioner and the Divisional Engineer, Telecommunications, Tirupathi directing them to appear before them on 8-3-1990 in the office of Labour Enforcement Officer (C) Gudur. Ex. W-8 is xerox copy of another notice dated 2-4-1990 issued by the Asst. Commissioner of Labour to the parties to appear before him on 10-4-90 in the office of Divisional Engineer, Telecom Tirupathi. Conciliation efforts ended in failure. Under Ex. W-9 dated 29-6-90 the Asst. Commissioner of Labour, Vijayawada submitted his failure report to the Secretary, Government of India, Ministry of Labour, New Delhi. Under Ex. W-10 Government of India, Ministry of Labour, New Delhi informed the petitioner and others about its decision not to refer the said dispute for adjudication. There upon the petitioner and others filed W.P. No. 10696 of 1991 on the file of High Court of A.P., Hyderabad assailing the orders passed by the Central Government in rejecting the plea of reference of the petitioner for adjudication before the Industrial Tribunal. The Hon'ble High Court of A.P. by its judgement dated 2-9-1994 set aside the order of the Government and directed the petitioner to file fresh application before the Government of India, Ministry of Labour, New Delhi and Government of India was directed to consider the said application of the petitioner. Ex. W-11 is the xerox copy of the judgement in W.P. No. 10696 of 1991. In pursuance of the directions of the High Court, the petitioner submitted the petition dated 26-9-1994 (Ex. W-12) to the Government of India, Ministry of Labour, New Delhi, seeking reference of the dispute to the Industrial Tribunal under Section 10 of the I. D. Act. Thereafter the Government made this reference.

7. The learned counsel for the petitioner submits that the petitioner worked continuously for 285 days i.e. from 24-11-1980 to 13-8-1981 as Short Duty Telephone Operator that without giving any notice or pay in lieu of notice and without having retrenchment compensation as required under Section 25-F of the Act, the petitioner has been retrenched from service, as such it is illegal and the petitioner is entitled for reinstatement with back wages and continuity of service.

8. It is well settled that all Retrenchment is termination of service but all terminations of service may not be retrenchment. In order to be "retrenchment", termination of service has to fall within the ambit of the definition of "retrenchment" in Section 2(oo) of the Act. Further Section 25(F) of the Act prescribes the requirements of notice and compensation as conditions precedent to retrenchment of a workman. Termination of service of a workman, as a measure of retrenchment, without complying the requirements under Section 25(F) of the Act will be illegal. It

is also well settled that the burden of proof to be established that the termination of service of the workman is retrenchment" is on the person who put forward the claim. In other words where the employee claims that he has been retrenched, he must prove that he has been retrenched from service and it is not for the employer to prove the discharge or the termination of the employee was otherwise than by way of "retrenchment". In discharge of that burden, in the instant case, the petitioner got himself examined as WW-1. It is in his evidence that he worked as Short Duty Telephone Operator in the respondent establishment from 24-11-1980 to 13-8-1981, that without any reason he has been discharged from service without giving any notice or paying wages in lieu of notice or retrenchment compensation. It is also well settled that discharge simplicitor does not amount to 'retrenchment'. If the termination actuated by motive of victimisation or unfair labour practice it amounts to "retrenchment". Hence it has to be seen whether the discharge of the petitioner herein w.e.f. 13-8-1981 amounts to retrenchment as defined under Section 2(oo) of the Act.

9. As earlier stated Ex. W-2 is the xerox copy of the letter dated 19-11-1980 selecting the petitioner and 13 others as Short Duty Telephone Operators. The name of the petitioner is at S. No. 3 in this letter. As seen from this letter the petitioner and other selected candidates were informed that it is not a regular appointment as an Operator but purely an engagement on casual basis to be paid at an hourly rate to make good the dearth of regular operators due to absenteeism etc., and that they will not be engaged for more than 3 hours at a time, that the payment will be made once in a week or once in a month depending upon the engagement and payment will be at Rs. 12 per hour or as prescribed from time to time, and that they will be given elementary training for three days to ten days without any payment and this engagement on casual basis does not confer any entitlement for appointment as regular Operators. Obviously accepting for these terms only the petitioner had joined as Short Duty Telephone Operator on 24-11-1980. It is clear from this letter of selection Ex. W-2 that the petitioner was appointed to tide over the difficulty of absenteeism of regular Telephone Operators and it is purely on casual basis, to be paid at hourly rate and it is not a permanent job and the petitioner is not entitled to claim appointment as Regular Operator. The petitioner is not employed on regular basis. Obviously he was engaged as the attendance of the regular Telephone Operators was poor. Therefore the discharge of the petitioner is a discharge simplicitor. It cannot be said that it has been motivated by vindictiveness or due to unfair labour practice on the part of the respondent. The Petitioner cannot be continued in service after the return of the regular Telephone Operators to their office. Therefore the termination of the service of the petitioner does not amount to "retrenchment" as defined under Section 2(oo) of the Act.

10. The claim of the petitioner for reinstatement has also become stale. Admittedly the petitioner was discharged from service on 13-8-81. As seen from Ex. W-9 the petitioner submitted a letter raising the dispute before the Asst. Commissioner of Labour (C) Vijayawada and the said letter was received in the office on 30-1-1990. Conciliation meetings were held on 8-3-1990, 10-4-90 and 26-6-1990. Therefore the said dispute was raised before the Asst. Commissioner of Labour (C) Vijayawada only on 30-1-1990. Thus he raised the dispute nearly a decade after his discharge from service. The petitioner slept over the matter for over a decade before he raised the dispute for reinstatement. No explanation is forthcoming for such abnormal delay in raising the dispute. The petitioner is relying on Exs. W-3, W-4, W-5 and W-6 to show that he made some representations to the Divisional Engineer, Telecommunications, Tirupathi for reinstatement. Ex. W-3 is said to be the representation dated 7-2-1982. In the claim statement there is no mention with regard to this representation dated 7-2-1982. There is also nothing on record to show that the original of this letter has been sent to the respondent. Exs. W-4, W-5 and W-6 are the xerox copies of Certificates of posting. Office copies of the letters sent under these certificates of posting are not produced before this Tribunal. Nothing prevented the petitioner from submitting the office copies of the letters sent under these certificates of posting.

The claim of the petitioner for reinstatement after such a long time cannot be sustained.

It is well settled that the Courts will not normally enquire into the belated and stale claims, as, such enquiry may lead to unhealthy practice resulting in improper exercise of discretion. In "Dehri Rohtas Light Railway Co., Vs. District Board, Bhojpur" (1992-II SCC 398) their Lordships of Supreme Court observed thus :—

"The rule which says that the Court may not enquire into belated and stale claim is not a rule of law, but a rule of practice based on sound and proper exercise of discretion. Such must depend upon its own facts. It will all depend on what the breach of the fundamental rights and the remedy claimed are and how delay arose. The principle on which the relief to the party on the grounds of laches or delay is denied is that the rights which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay."

As earlier stated no explanation is forthcoming on behalf of the petitioner for such long delay in raising the claim for reinstatement. Admittedly many others have been employed as Telephone Operators subsequent to the discharge of the petitioner. By permitting the petitioner to raise this stale claim at this belated stage, it results in settled matters becoming unsettled. Therefore the claim of the petitioner cannot be entertained as it has become stale.

11. The learned counsel for the petitioner submits that in a similar case filed by one Sri Ramamurthy in I. D. No. 29 of 1988 against the Divisional Engineer (Telecom) DET., Bhimavaram, West Godavari District, Andhra Pradesh, this Tribunal upheld the demand of the workman for absorption on regular basis either as Telephone Operator or as Telecom Office Assistant and the said orders of this Tribunal were upheld by the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 927 of 1991 and that this petitioner is also entitled for similar treatment and similar benefits in as much as his case stands on identical footing.

This argument cannot be sustained for the reason that simply because this Tribunal upheld the demand of a workman in I. D. 29 of 1988 it cannot be said that the Petitioner herein is also entitled for the same relief. The award in I. D. No. 29 of 1988 and the order of the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 927 of 1991 referred to by the learned counsel for the petitioner, are not produced before this Tribunal. It is not known under what circumstances the claim of the workman Sri S. G. Ramamurthy was allowed in I. D. No. 29 of 1988. We are not aware of the facts in that case. The claim of the petitioner herein is a speculative one.

12. The learned counsel for the petitioner submits that as per the circular order dated 7-9-1982 the petitioner is entitled to be included in the panel of Reserve Trained Pool (RTP) and he should be recruited as Telephone Operator in preference as and when the vacancy arises. The learned counsel for the petitioner also relied on Ex. W-15 the xerox copy of the orders passed by the Central Administrative Tribunal, Hyderabad Bench in Transfer Application Nos. 38 and 39 of 1988. But the said judgement of the Central Administrative Tribunal and the circular dated 7-9-82 are not applicable to the petitioner herein under the circular order dated 7-9-82 the short duty telephone operators who were in service on that date will have preference over others while creating the Reserve Trained Pool Panel. The judgement under Ex. W-15 is also not applicable to the facts in this case. In that case the Short Duty Telephone Operator was on duty by the date of issuance of the Circular order 7-9-1982 and he was discharged from duty on 5-7-83. Therefore their Lordships of Central Administrative Tribunal, Hyderabad Bench held that in pursuance of the circular orders that workman ought to have been continued in service though his name did not find place in the 'R' List and therefore termination of that workman was held as invalid. As earlier

said the petitioner herein was discharged from service before the Circular Order dated 7-9-82 was issued. Hence the petitioner herein is not entitled for reinstatement on the basis of the said circular order dated 7-9-1982.

13. The learned counsel for the petitioner submits that no evidence has been adduced on behalf of the respondent who remained ex parte and that no counter has been filed and no rebuttal evidence has been adduced on behalf of the Respondent. It is true, for the reasons best known to him, the respondent remained ex parte from the beginning. But, as earlier stated, the burden lies on the petitioner to establish that his termination is "retrenchment" under the definition of Section 2(oo) of the I. D. Act. Considering the evidence on record I am of the opinion that the petitioner failed to discharge that burden and he failed to prove that his termination comes under the definition of 'Retrenchment' under Section 2(oo) of the Act. His termination is only discharge simplicitor.

14. The learned counsel for the petitioner submits that subsequent to the retrenchment of the petitioner, the respondent appointed 29 persons as Short Duty Telephone Operators on 20-1-1982 under Ex. W-16 and also appointed 9 more persons as Short Duty Telephone Operators on 21-8-1983 under Ex. W-17 without considering the claims of the petitioner, and as such there is violation of provisions under Section 25-H of the Act. The provisions under Section 25-H are applicable in the case of only retrenched workmen. In the instant case, I have hold that the termination of the petitioner is not retrenchment but it is only a discharge simplicitor. Hence there is no violation of the provisions under Section 25-H of the Act.

15. In the light of my above discussion, I have no hesitation to conclude that the discharge of the petitioner is only discharge simplicitor and it is not actuated by any motive of vindictiveness or unfair labour practice and therefore the termination of the petitioner is not done within the definition of "retrenchment" under Section 2(oo) of the Act, and the respondent need not comply with the statutory requirements under Section 25(F) of the Act and the claim of the petitioner for reinstatement has become stale due to efflux of time. Hence I hold on the point that the action of the respondent in terminating the services of the petitioner, Sri Masan Vali w.e.f. 13-8-81 is justified. The point is thus decided in favour of the respondent and against the petitioner.

16. Point 2.—This point relates to the relief to be granted to the petitioner in this reference. In view of my finding on point No. 1 the petitioner is not entitled for any relief in this reference.

17. In the result award is passed stating that the action of the respondent in terminating the services of the petitioner S. Masan Vali w.e.f. 13-8-81 is justified and the petitioner is not entitled for any relief under this reference. Thus the reference is answered. The parties are directed to bear their costs.

Dictated to the typist, corrected by me and given under my hand and the seal of this Tribunal on this the 18th day of December, 1995.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for

the Petitioner :

WW-1—S. Masthanvali.

Witnesses Examined for

the Respondent :

NIL

Documents marked for the Petitioner

Ex. W-1—Xerox copy of the service certificate of the workman.

Ex. W-2—Xerox copy of the Appointment Order dated 18-11-90 issued to Short Duty Telephone Operators.

Ex. W-3—Representation dated 7-2-82 of the workman

Ex. W-4 to Ex. W-6—Xerox copies of certificate of postings.

Ex. W-7—Xerox copy of letter dated 19-2-90 by the Conciliation Officer to call on the petitioner to appear on 8-3-90.

Ex. W-8—Xerox copy of Letter dated 2-4-90 issued to the workman to attend on 10-4-90.

Ex. W-9—Xerox copy of the Failure report dated 29-6-80.

Ex. W-10—Xerox copy of the letter dated 30-1-91 not to refer the Industrial Dispute.

Ex. W-11—Xerox copy of the order dated 2-9-90 in W.P. No. 10696/91.

Ex. W-12—Representation dated 26-9-94 of the workman.

Ex. W-13—Xerox copy of the DG and P&T letter dated 7-9-82 constituting the standing Pool in trained reserve.

Ex. W-14—Xerox copy of Letter dated 15-1-87 of Telecommunication of A.P. Hyderabad—clarification regarding fixing up inter-se-seniority of RTP candidates.

Ex. W-15—Xerox copy of the Order dated 29-7-1988 of Central Administrative Tribunal Hyderabad Bench in T.A. No. 38 and 39/81.

Ex. W-16—Xerox copy of the letter dated 20-1-82 allotment of short duty telephone operators to the Exchange.

Ex. W-17—Xerox copy of the letter dated 21-8-83—Posting of RTP TO's on completion of 8 months training.

Documents marked for the Respondent

NIL

नई दिल्ली, 29 फरवरी, 1996

का.प्रा. 896.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार द्वारा संचार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-96 को प्राप्त हुआ था।

[संख्या एन-40012/112/90-आई.आर. (ही.यू.)]

के. वी. वी. उशी, डॉक्स अधिकारी

New Delhi, the 29th February, 1996

S.O. 896.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 23-2-96.

[No. L-40012/112/90-IR(DU)]

K. V. B. Unny, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, HYDERABAD

Present :—Sri A. Hanumanthu, M. A., LL.B.
Industrial Tribunal-I.

Dated : 18th December, 1995

INDUSTRIAL DISPUTE NO. 38 OF 1995

Between :

Shri K. Ramachandra Rao, S/o K. Manohara Rao,
D. No. 11/52, Kota Veedhi, Madanapalli, Chittoor
District. (A.P) —Petitioner.

AND

1. The Divl. Engineer, Telecommunications
Tirupathi-517 501.
2. The Sub. Divl. Officer, Telecommunications, Madanapalli. (Chittoor Dist. (A.P)) —Respondents :

Appearances :—

Sri I. Venkata Narayana and Kum. Bharati, Advocates
for the Petitioner.

Sri P. Damodar Reddy, Advocate filed memo of appearance
for the Respondents.

Respondents set exparte on 28-9-1995.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-40012/112/90-IR(DU), dt. 12-94/17-1-1995 made this reference under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 (hereinafter called the Act) for adjudication of the Industrial Dispute mentioned in the schedule which reads as follows :—

“Whether the action of the Sub-Divisional Officer, Telecommunications, Madanapalli, Chittoor Dist. (A.P) in terminating the services of Sri K. Ramachander Rao, Short Duty Telephone Operator by the end of September, 1981 is proper, legal and justified ?

If not, to what relief the workman is entitled ?”

This reference has been registered as Industrial Dispute No. 38 of 1995. After receiving notices issued by this Tribunal the petitioner workman is being represented by his counsel. The Assistant Government Pleader filed memo of appearance on behalf of the Respondent.

2. On behalf of the Petitioner/workman a claim statement has been filed to the following effect :—

The petitioner Sri K. Ramachander Rao was appointed as Short Duty Telephone Operator in the respondent establishment and he joined duty on 24-11-80 and he was retrenched w.e.f. 29-9-81. The petitioner was employed for a total period of 330 days in addition to 50 days over time work. Thus the petitioner should be deemed to have been employed for 380 days before his retrenchment. The petitioner was terminated by verbal orders by the respondent without any notice. The petitioner submitted a representation to the Divisional Engineer, Telecommunication, Tirupathi and send several other reminders subsequent to his retrenchment. But no action was taken. The discharge of the workman amounts to retrenchment within the meaning of Section 2(oo) of the Act. The petitioner was not issued one month notice or one month pay in lieu of retrenchment notice and he was also not paid the retrenchment compensation as required under the provisions of Section 25(F) of the I.D. Act. The Respondent also did not follow the orders of the Director General of Posts and Telegraphs Department, New Delhi. The scheme known as Reserve Trained Pool was introduced by Government of India in the year 1982. As per the said scheme the respondent herein has to prepare Reserve Trained Pool panel and they should be appointed in the permanent vacancies as and when arise. The petitioner herein had undergone training under the respondent and as such he is entitled to be given preference. The respondent had appointed nine persons as Telephone Operators

and they have not worked as short Duty Telephone Operators. The Respondent violated the orders of the Director General of Posts & Telegraphs and not created the Reserve Trained Pool as per the instructions under the letter dated 7-9-82. Even otherwise the petitioner|workman was entitled to be treated as Reserve Trained Pool Telephone Operator in accordance with the Director General's Clarification dated 26-3-1981. As the respondent failed to consider the representation of the petitioner|workman the petitioner approached the Asst. Commissioner of Labour, Vijayawada and raised a dispute. The Asst. Commissioner of Labour called for conciliation meetings, but the respondent|management expressed its inability to consider the case of the petitioner and therefore the conciliation proceedings ended in failure and the Asst. Commissioner of Labour submitted his failure report to the Government of India. The Government of India decided not to refer the dispute for adjudication by its proceedings dt. 31-1-1991. Hence the petitioner filed a Writ Petition before the High Court of Andhra Pradesh in W. P. No. 10696 of 1991 and the Hon'ble Court of Andhra Pradesh was pleased to issue writ of certiorari under Article 226 of the Constitution of India and set aside the order of the Government of India and directed the petitioner to file a fresh representation before the Central Government. As per the directions of the Hon'ble High Court of A.P., the petitioner submitted his application before the Government of India. Ministry of Labour, New Delhi and thereafter the Government of India, Ministry of Labour referred the said dispute for adjudication to this Tribunal.

In I.D. No. 29 of 1988 (Between G. Rama Muithy and the D.E.T., Bhimavaram, West Godavari District), this Tribunal allowed the claim of the workman and directed the Management to reinstate the workman. The facts of that case are similar to the facts of the present petitioner herein. The said orders were upheld by the Hyderabad Bench of Central Administrative Tribunal by its order in O.A. No. 927 of 1991. The petitioner is entitled to similar treatment and for similar benefits in as much as his case stands on an identical footing. The petitioner could not secure any alternative employment inspite of his best efforts. The petitioner is entitled for reinstatement and absorption as Regular Telephone Operator. Hence the Tribunal may be pleased to pass an Award directing the respondent to reinstate the petitioner and absorb him as regular telephone Operator or as Telecom Office Assistant with continuity of service and grant benefits which are consequential and incidental to his reinstatement and absorption.

3. Though several opportunities were given for the Respondent|Management to file its counter, the respondent failed to file counter. Hence the respondent has been set ex parte.

4. On behalf of the petitioner W.W1 is examined and Exs. W1 to W18 are marked. The Petitioner K. Ramachander Rao got himself examined as W.W1 and he deposed to the averments in the claim statement. No oral or documentary evidence is adduced on behalf of the Respondent|management. The details of the documents Exs. W1 to W18 marked on behalf of the petitioner|workman are appended to this Award.

5. The points that arise for consideration are as follows :—

1. Whether the action of the Sub-Divisional Officer Telecommunications Madanapalli, Chittoor District(AP) in terminating the services of the petitioner Sri K. Ramachander Rao Short Duty Telephone Operator w.e.f. 29-9-81 is justified ?

2. To what relief the petitioner, K. Ramachander Rao is entitled ?

6. POINT-1 : The admitted facts as revealed from the evidence on record are as follows :—

The petitioner Sri K. Ramachander Rao was selected provisionally to work as Short Duty Telephone Operator in the Telephone Exchange, Madanapalli by the order dt. 18-11-1980. Ex.W2 is the xerox copy of the list of selection of 14 candidates as short duty telephone Operators. The petitioner herein is at S. No. 11 in the said list. The selection of the

petitioner is subject to the conditions laid down in the said selection order. In pursuance of the said selection the petitioner joined duty as Short Duty Telephone operator on 24-11-80 and his services were orally terminated on 29-9-81. The petitioner was not given any notice or pay in lieu of notice regarding his termination and he was also not paid any retrenchment compensation. Ex.W1 is the xerox copy of the certificate issued by the Junior Engineer/Phones, Madanapalli to the effect that the petitioner Sri K. Ramachander Rao was employed as Short Duty Telephone Operator in the Telephone Exchange, Madanapalli from 24-11-1980 to 29-9-1981 and that his work was satisfactory during the said period. Ex.W3 is said to be a copy of representation dt. 7-2-1982 sent by the petitioner to the Divisional Engineer, Telegraphs, Tirupathi with a request to consider his case and to appoint him as Telephone Operator. Exs.W4 and W5 are the xerox copies of certificates of Posting addressed to the Divisional Engineer, Telecommunications, Tirupathi. It is also admitted that the petitioner herein raised a dispute before the Assistant Commissioner of Labour(C) Vijayawada and conciliation efforts ended in failure. Ex.W6 is the xerox copy of the notice dt. 19-2-90 issued by the Asst. Commissioner of Labour(C), Vijayawada to the petitioner and the Divisional Engineer, Telecommunications, Tirupathi directing them to appear before them on 8-3-1990 in the office of Labour Enforcement Officer(C) Gudur. Ex.W7 and Ex.W8 are also the notice dt. 12-6-1990 and 2-4-1990 respectively issued by the Assistant Commissioner of Labour, Vijayawada directing the parties appear before him in connection with that conciliation of the dispute. Under Ex. W9 dt. 29-6-1990, the Asst. Labour Commissioner(C), Vijayawada submitted his failure report to the Secretary to Government of India, Ministry of Labour, New Delhi. Under Ex.W10 Government of India, Ministry of Labour, New Delhi informed the petitioner and others about its decision not to refer the said dispute for adjudication. There upon the petitioner and others filed W.P. No. 10696 of 1991 in the file of High Court of Andhra Pradesh, Hyderabad against Government of India assailing the orders passed by the Central Government in rejecting the plea of reference of the petitioner for adjudication before the Industrial Tribunal. The Hon'ble High Court of Andhra Pradesh by its judgement dt. 2-9-1994 set aside the orders of the Government and directed the petitioner to file fresh application before the Government of India. Ministry of Labour, New Delhi and Government of India was directed to consider the said application of the petitioner. Ex. W11 is the xerox copy of the Judgement in W.P. No. 10696 of 1991. In pursuance of the directions of the High Court the petitioner submitted the petition dated 26-9-94 (Ex. W12) to the Government of India, Ministry of Labour, New Delhi seeking reference of the dispute to the Industrial Tribunal under Section 10 of the I.D. Act. Thereafter the Government made this reference.

7. The learned Counsel for the petitioner submits that the petitioner worked continuously for 330 days i.e. from 24-11-80 to 29-9-81 as Short Duty Telephone Operator, that without giving any notice or pay in lieu of notice and without paying retrenchment compensation as required under Section 225(F) of the Act, the petitioner has been retrenched from service and as such it is illegal and the petitioner is entitled for reinstatement with backwages and continuity of service.

8. It is well settled that all Retrenchment is termination of service but all termination of service may not be retrenchment. In order to be 'retrenchment', termination of service has to fall within the ambit of definition of retrenchment in Section 2(oo) of the Act. Further Section 25(F) of the Act prescribes the requirements of notice and compensation as conditions precedent to retrenchment of a workman. Termination of service of a workman as a measure of "retrenchment" without complying the requirements under Section 25(F) of the Act will be illegal. It is also well settled that the burden of proof to be established that the termination of service of the workman is 'retrenchment' is on the person who put forward the claim. In other words where the employee claims that he has been retrenched, he must prove that he has been retrenched from service and it is not for the employer to prove the discharge or the termination of the employee was otherwise than by way of retrenchment. In discharge of that burden, in the instant case, the petitioner got himself examined as W.W1. It is in his

evidence that he worked as Short Duty Telephone Operator in the respondent establishment from 24-11-1980 to 28-9-1981, that without any reason he has been discharged from service without giving any notice or paying wages in lieu of notice or retrenchment compensation. It is also well settled that discharge simplicitor does not amount to 'retrenchment'. If the termination actuated by motive of victimisation or unfair labour practice it amounts to retrenchment. Hence it has to be seen whether the discharge of the petitioner w.e.f. 29-9-81 amounts to "retrenchment" as defined under Section 2(oo) of the Act.

9. As earlier stated Ex. W2 is the xerox copy of the letter dt. 10-11-80 selecting the petitioner and 13 others as Short Duty Telephone Operators. The name of the petitioner is at S. No. 11 in this letter. As seen from this letter the petitioner and other selected candidates were informed that it is not a regular appointment as an Operator but purely an engagement on casual basis to be paid at hourly rate to make good the dearth of regular operators due to absenteeism etc., and that they will not be engaged for more than 3 hours at a time, that the payment will be made once in a week or once in a month depending upon the engagement and payment will be Rs. 2 per hour or as prescribed from time to time and that they will be given elementary training for three days to ten days without any payment and this engagement on casual basis does not confer any entitlement for appointment as regular operators. Obviously accepting for these terms only the petitioner had joined as Short Duty Telephone Operator on 24-11-80. It is clear from this letter of selection Ex. W2 that the petitioner was appointed to tide over the difficulty of absenteeism of regular telephone operators and it is purely on casual basis, to be paid at hourly rate and it is not against permanent job and the petitioner is not entitled to claim appointment as regular Operator. The petitioner is not employed on regular basis, obviously he was engaged as the attendance of the regular Telephone Operators was poor. Therefore the discharge of the petitioner is a discharge simplicitor. It cannot be said that it has been motivated by vindictiveness or due to unfair labour practice on the part of the respondent. The petitioner cannot be continued in service after the return of the regular telephone operators to their office. Therefore, the termination of the service of the petitioner does not amount to 'retrenchment' as defined under Section 2(oo) of the Act.

10. The claim of the petitioner for reinstatement has also become stale. Admittedly the petitioner was discharged from service on 29-9-81. As seen from Ex. W9 the petitioner submitted a letter raising the dispute before the Asst. Commissioner of Labour (C) Vijayawada and the said letter was received in the office on 30-1-1990. Conciliation meetings were held on 8-3-1991, 10-4-1990 and 26-6-1990. Therefore the said dispute was raised before the Assistant Commissioner of Labour (C), Vijayawada only on 30-1-1990. Thus he raised the dispute nearly a decade after discharge from service. The petitioner slept over the matter for over a decade before he raised the dispute for reinstatement. No explanation is forthcoming for such abnormal delay in raising the dispute. The petitioner is relying on Exs. W3, W4 and W5 to show that he made some representations to the Divisional Engineer, Telecommunications, Tirupathi for reinstatement. Ex. W3 is said to be the representation dt. 7-2-1982. In the claim statement there is no mention with regard to this representation dt. 7-2-1982. There is also nothing on record to show that the original of this letter has been sent to the respondent. Exs. W4 and W5 are the xerox copies of Certificates of posting. Office copies of the letters sent under these certificates of posting are not produced before this Tribunal. Nothing prevented the petitioner from submitting the office copies of the letters sent under this certificate of posting.

The claim of the petitioner for reinstatement after such a long time cannot be sustained.

It is well settled that the Courts will not normally enquire into the belated and stale claims, as such enquiry may lead to unfair practice resulting in improper exercise of discretion. In "Dehri Rohtas Light Railway Co., Vs. District Board Bhojpur (1992-II SCC 598)" their Lordships of Supreme Court observed thus :—

The rule which says that the court may not enquire into the belated and stale claim is not a rule of law, but a rule of practice based on sound and proper exercise of discretion. Each must depend upon its own facts. It will depend on what the breach of the fundamental right and the remedy claimed are and how delay arose. The principle on which the relief to the party on the grounds of laches or delay is denied is that the rights which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay."

As earlier stated no explanation is forthcoming on behalf of the petitioner for such long delay in raising the claim for reinstatement. Admittedly many others have been employed as Telephone Operators subsequent to the discharge of the petitioner. By permitting the petitioner to raise this stale claim at this belated stage, it results in settled matters becoming unsettled. Therefore the claim of the petitioner cannot be entertained as it has become stale.

11. The learned counsel for the petitioner submits that in a similar case by one Sri Ramamurthy in I.D. No. 29 of 1988 against the Divisional Engineer (Telecom) DET, Bhimavaram, West Godavari District, Andhra Pradesh this Tribunal upheld the demand of the workman for absorption on regular basis either as Telephone Operator or as Telecom Office Assistant and the said orders of this Tribunal were upheld by the Central Administrative Tribunal of Hyderabad Bench in O.A. No. 927 of 1991 and that this petitioner is also entitled for similar treatment and, similar benefits in as much as this case stands on identical footing.

This argument cannot be sustained for the reason that simply because this Tribunal upheld the demand of a workman in I.D. No. 29 of 1988, it cannot be said that the petitioner herein is also entitled for the same relief. The award in I.D. No. 29 of 1988 and the order of the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 927 of 1991 referred to by the learned counsel for the petitioner, are not produced before this Tribunal. It is not known under what circumstances the claim of the workman Sri G. Ramamurthy was allowed in I.D. No. 29 of 1988. We are not aware of the facts in that case. The claim of the petitioner herein is a speculative one.

12. The learned counsel for the petitioner submits that as per the circular order dt. 7-9-1982 the petitioner is entitled to be included in the panel of Reserve Trained Pool (RTP) and he should be recruited as Telephone Operator in preference as and when the vacancy arises. The learned counsel for the petitioner also relied on Ex. W15 xerox copy of the orders passed by the Central Administrative Tribunal, Hyderabad Bench in Transfer Application Nos. 38 and 39 of 1988. But the said judgement of the Central Administrative Tribunal and the circular dt. 7-9-82 are not applicable to the petitioner herein, under the circular order dt. 7-9-82, the short duty telephone operators who are in service on that date will have preference over others while creating the Reserve Trained Pool Panel. The judgement under Ex. W15 is also not applicable to the facts in this case. In that case the Short Duty Telephone Operator was already on duty by the date of issuance of the circular order 7-9-82 and he was discharged from duty on 5-7-1983. Therefore, their Lordships of Central Administrative Tribunal, Hyderabad Bench held that in pursuance of the circular orders that workman ought to have been continued in service though his name did not find place in the 'B' list and therefore, termination of that workman was held as invalid. As earlier stated the petitioner herein was discharged from service before the Circular order dt. 7-9-82 was issued. Hence the petitioner herein is not entitled for reinstatement on the basis of the said circular order dt. 7-9-82.

13. The learned counsel for the petitioner submits that no evidence has been adduced on behalf of the respondent who remained ex parte and that no counter has been filed and no rebuttal evidence has been adduced on behalf of the respondent. It is true, for the reasons best known to him, the respondent remained ex parte from the beginning. But, as

earlier stated, the burden lies on the petitioner to establish that his termination is "retrenchment" under the definition of Section 2(oo) of the I.D. Act. Considering the evidence on record I am of the opinion that the petitioner failed to discharge that burden and he failed to prove that his termination comes under the definition of "retrenchment" under Section 2(oo) of the Act. His termination is only discharge simplicitor.

14. The learned counsel for the petitioner submits that subsequent to the retrenchment of the petitioner, the respondent appointed 29 persons as Short Telephone Operators on 20-1-1982 under Ex. W16 and also appointed 9 more persons as Short Duty Telephone Operators on 21-8-1983 under Ex. W17 without considering the claim of the petitioner and as such there is violation of provisions under Section 23H of the Act. The provisions under Section 23H are applicable in the case of only retrenched workmen. In the instant case, I have held that the termination of the petitioner is not retrenchment but it is only a discharge simplicitor. Hence there is no violation of the provisions under Section 23H of the Act.

15. In the light of my above discussions, I have no hesitation to conclude that the discharge of the petitioner is only discharge simplicitor and it is not actuated by any motive of vindictiveness or unfair labour practice and therefore the termination of the petitioner is not done within the definition of "Retrenchment" under Section 2(oo) of the Act and the respondent need not comply with the statutory requirements under Section 25(F) of the Act and that the claim of the petitioner for reinstatement has become stale due to efflux of time. Hence I hold on the point that the action of the respondent in terminating the services of the petitioner, Sri K. Ramachander Rao w.e.f. 29-9-1981 is justified. The point is thus decided in favour the respondent and against the petitioner.

16. Point-2.—This point relates to the relief to be granted to the petitioner in this reference. In view of my findings on point No. 1 the petitioner is not entitled for any relief in this reference.

17. In the result award is passed stating that the action of the respondent in terminating the services of the petitioner K. Ramachander Rao w.e.f. 29-9-1981 is justified and the petitioner is not entitled for any relief under this reference. Thus the reference is answered. The parties are directed to bear their costs.

Typed to my dictation, corrected by me and given under my hand and seal of this Tribunal on this the 18th day of December, 1995.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Petitioner :

W.W-1—K. Ramachandra Rao

Witnesses Examined for the Respondent :

NIL

Documents marked for the Petitioner :

- Ex. W-1—Xerox copy of the Service Certificate of the workman.
- Ex. W-2—Xerox copy of the letter dt. 18-11-90 selecting the candidates for short duty telephone operators.
- Ex. W-3—Representation dt. 7-2-82 of the workman.
- Ex. W-4 & W-5—Xerox copies of Certificate of postings.
- Ex. W-6—Letter dt. 19-2-90 of Conciliation Officer to the workman to attend on 8-3-90.
- Ex. W-7—Letter dt. 12-6-90 to attend on 26-6-90.
- Ex. W-8—Letter dt. 2-4-90 to attend on 10-4-90.
- Ex. W-9—Failure report dt. 29-6-80.
- Ex. W-10—Xerox copy of the letter dt. 31-1-91 to the workman stating that the Government have decided not to refer the dispute.

Ex. W-11—Order dt. 2-9-1994 of Hon'ble High Court in WP 10696/91.

Ex. W-12—Representation dt. 26-9-94 of the workman.

Lx. W-13—Xerox copy of the letter dt. 7-9-82 of DG & T&P.

Ex. W-14—Xerox copy of the letter dt. 15-1-87 of Telecommunications A. P., Hyderabad—clarification regarding fixing up inter-se seniority of RTP candidates.

Lx. W-15—Order dt. 29-7-1988 of Central Administrative Tribunal, Hyderabad Bench in TA Nos. 38 & 39/88. (xerox copy).

Lx. W-16—Xerox copy of the letter dt. 20-1-82—Allotment of Short Duty Telephone Operators to the Exchanges.

Lx. W-17—Xerox copy of the letter dt. 21-8-83—Posting of RTP TO's on completion of 8 months training.

Ex. W-18—Employment card (Maintenance Slip of Employment Exchange of the Workman).

Documents marked for the respondent :

NIL

A. HANUMANTHU, Industrial Tribunal-I

NIL

नई दिल्ली, 29 फरवरी, 1996

का.आ. 897—ग्राम्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार के प्रबन्धनतंत्र के संबद्ध नियोजकों द्वारा उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्राम्योगिक विवाद में ग्राम्योगिक अधिकरण, मद्रास के पंचायट को प्रबोधित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एल-40012/131/92-प्राई.आर. (डॉ.प.)]

के. वी. वी. उर्मा, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 897.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 27-2-96.

[No. L-40012/131/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 29th day of December, 1995

Present :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal
INDUSTRIAL DISPUTE NO. 144/1994

(In the matter of reference for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Telecommunications, Salem-7).

BETWEEN

Ms. G. Suguna,
C/o. Venus Electricals,
111, Pensioner Street,
Dindigul-1.

AND

The Chief General Manager,
D/o. Telecommunications,
Telecom circle,
Tamil Nadu, Salem-636 007.

REFERENCE :

Order No. L-40012/131/92-IR(DU), dated 5-5-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 14th day of December, 1995 in the presence of Tvl. V. Dhanapalan, M. V. Muralidharan and D. Charles Muthu Santhanam, Advocate appearing for the worker, upon perusing the reference, Claim statement and all other material papers on record and the Management being absent and set ex parte and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

Government of India, by its letter no. L-40012/131/92-IR(DU), dated 5-5-94, referred for adjudication by this Tribunal u/s. 10(1)(d) of the I. D. Act, 1947 regarding the dispute :

"Whether the action of the Management of department of Telecommunications, Salem, in terminating the services of Smt. G. Suguna, SDTO, w.e.f. 19-5-83, is proper, legal and justified ? If not to what relief is the workman entitled to ?"

2. After services of notices, both the petitioner and the respondent appeared before this Court. The petitioner filed her claim statement. The respondent though represented by the Counsel, did not file the Counter statement from 6-4-95. So, the respondent was set ex parte.

3. The case of the petitioner is as follows :

The petitioner has been selected and appointed as Telephone Operator in the Office of the Assistant Engineer, Trunk Telephone Exchange, Salem on 28-9-81. Since her appointment she worked for 8 hours per day and she received wages calculating at the rate of Rs. 2/- per hour and the payment was made every month. She was put in 15 days training period. From the date of her appointment, without any break, she continuously worked as Telephone Operator. She was allowed to continue to work from 24-9-81 to 23-5-83. On 23-5-83 the Assistant Engineer with malafide intention illegally terminated her service. She has worked for more than 240 days continuously in a year before her termination. On receipt of the termination order, she personally met the Assistant Engineer and requested him to cancel her termination. But the Assistant Engineer has not given any reply. No notice was given before terminating her service. Her termination is illegal and arbitrary and violative of principles of natural justice. After her termination, the system of practice of engaging Short duty Telephone Operators and by reclassifying the system as Reserve Trained Pool of Telephone Operators. Even after her termination, Divisional Engineer by order dated 21-6-88 absorbed to Reserve Trained Pool Telephone Operators, on regular basis. Those telephone operators were recruited in 1982. So, she came to know in July, 1991, that 10 persons were regularised who were recruited in the year 1988. Thereafter she made several oral representations and written representations to the respondent requesting them to consider her case. Finally on 4-8-91, she made representation to the Chief General Manager, Telecommunications, Madras. On 9-7-92, she filed a petition before the Assistant Commissioner of Labour, Madras. He conducted an enquiry and he passed a failure report. Hence the petitioner has raised the dispute to set aside the order of termination and to reinstate her in service with continuity of service and back wages.

4. The respondent did not file any counter statement.

5. The petitioner was examined as WW1. According to her, she was appointed as Telephone Operator in the respondent-department on 24-9-81 under Ex. W-1. Suddenly she was terminated from service without any notice on 23-5-83 under Ex. W-2. She made representations to her Superior Officers. Ex. W-7 is the copy of the representation given to the Divisional Engineer. Ex. W-9 is the representation given to the General Manager. According to her, her juniors were regularised as Telephone Operators. According to the petitioner, her termination is illegal. She was not served with any notice or any enquiry was conducted. She had worked continuously from the date of her appointment from 24-9-81 to 23-5-83. She has worked for more than 240 days in a year continuously prior to her termination. So, she is entitled to notice u/s. 25-F of the I.D. Act, before termination or one month notice pay and also the compensation provided u/s. 25-F(2). It is proved by the evidence that she has worked for more than 240 days continuously in a year prior to her termination. So, the petitioner has to be terminated only by following the procedure laid down u/s. 25-F. Since the respondent had not followed the procedure, the termination of the petitioner's service is illegal and void. Hence the order of termination is liable to be set aside.

In the result, an award is passed setting aside the order of termination of the petitioner dated 23-5-83. Respondent is directed to reinstate her in service with continuity of service, full backwages and other benefits. No costs.

Dated, this the 29th day of December, 1995

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workmen :

W.W.1 : Tmt. G. Suguna.

For Management : None

DOCUMENTS MARKED

For Workman :

Ex. W-1/24-9-81 : Appointment order issued to the worker Tmt. G. Suguna as Short Duty Telephone Operator (Xerox copy).

Ex. W-2/8-6-83 : Termination order issued to the worker (Xerox copy).

Ex. W-3 : Notification published in the Newspaper for appointment to the post of Telephone Operators (Xerox copy).

Ex. W-4/7-2-83 : Application of the worker for the post of Telephone Operator (Xerox copy).

Ex. W-5/13-9-93 : Representation by the worker to the Management (Xerox copy).

Ex. W-6/23-12-84 : Representation by the worker to the Management (Xerox copy).

Ex. W-7/9-7-92 : Representation by the worker to the Assistant Commissioner, Madras.

Ex. W-8/23-7-92 : Representation by the worker to the Assistant Commissioner, Madras.

Ex. W-9/3-12-92 : Representation by the worker to the Chief General Manager, Telecommunications, Tamil Nadu Circle, Madras-2.

For Management : Nil.

नई दिल्ली, 29 फरवरी, 1996

का.प्रा. 898.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा संचार के प्रबन्ध संबंध के संबंद्ध नियंत्रण की ओर उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित वर्ती है, जो केन्द्रीय सरकार की 27-2-96 को प्राप्त हुआ था।

[संख्या एन-40012/115/90-आई.आर. (डी.यू.)]
के, वी. वी. उच्ची, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 27-2-96.

[No. I-40012/115/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Present :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 18th December, 1995

INDUSTRIAL DISPUTE NO. 29 OF 1995

BETWEEN

Sri N. Jayarami Reddy,
S/o. Konda Reddy,
Andivarpalle P.O.,
Madanapalli Td.
Chittoor District (A.P.) .. Petitioner

AND

The Divisional Engineer,
Telecommunications,
Tirupathi-517 501. .. Respondent.

Appearances :

Sri I. Venkata Narayana & Kumari Bharati Advocates
for the Petitioner.Sri P. Damodar Reddy, Advocate filed memo of appearance
for the Respondent.

Respondent sent ex parte on 23-9-1995.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. I-40012/115/90-IR(DU) dated 12-94 and 17-1-1995 made this reference under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 (hereinafter called the Act) for adjudication of the industrial dispute mentioned in the schedule which reads as follows :—

“Whether the action of the Sub-Divisional Officer, Telecommunications Madanapalli, Chittoor Distt. (A.P.) in terminating the services of Sri N. Jayarami Reddy, Short duty telephone operator by the end of September, 1981 is proper, legal and justified ?

If not, to what relief the workman is entitled ?”

This reference has been registered as Industrial Dispute No. 29/95. After receiving notices issued by this Tribunal the Petitioner workman is being represented by his counsel. The Assistant Government Pleader filed memo of appearance on behalf of the Respondent.

2. On behalf of the Petitioner/Workman, a claim statement has been filed to the following effect :—

The Petitioner Sri N. Jayarami Reddy was appointed as Short Duty Telephone Operator in the Respondent Establishment and he joined duty on 29-12-80 and he was retrenched w.e.f. 30-9-81. The petitioner was employed for a total period of 274 days in addition to 50 days over time work. Thus the petitioner should be deemed to have been employed for 324 days before his retrenchment. The petitioner was terminated by verbal orders by the respondent without any notice. The petitioner submitted a representation to the Divisional Engineer Telecommunication, Tirupati and send several other reminders subsequent to his retrenchment. But no action was taken. The discharge of the workman amounts to retrenchment within the meaning of Section 2(oo) of the Act. The petitioner was not issued one month notice or one month pay in lieu of retrenchment notice and he was also not paid the retrenchment compensation as required under the provisions of Section 25(F) of the I.D. Act. The Respondent also did not follow the orders of the Director General of Posts and Telegraphs Department, New Delhi. The scheme known as Reserve Trained Pool was introduced by Government of India in the year 1982. As per the said scheme the respondent herein has to prepare Reserve Trained Pool panel and they should be appointed in the permanent vacancies as and when arise. The petitioner herein had undergone training under the respondent and as such he is entitled to be given preference. The Respondent had appointed nine persons as Telephone Operators and they have not worked as Short Duty Telephone Operators. The Respondent violated the orders of the Director General of Posts & Telegraphs and not created the Reserve Trained Pool as per the instructions under the letter dated 7-9-1982. Even otherwise the petitioner/workman was entitled to be treated as Reserve Trained Pool Telephone Operator in accordance with the Director General clarification dated 28-3-1981. As the respondent failed to consider the representation of the petitioner/workman the petitioner approached the Assistant Commissioner of

Labour, Vijayawada and raised a dispute. The Assistant Commissioner of Labour called for conciliation meetings, but the respondent/management expressed its inability to consider the case of the petitioner and therefore the conciliation proceedings ended in failure and the Assistant Commissioner of Labour submitted his failure report to the Government of India. The Government of India decided not to refer the dispute for adjudication by its proceedings dated 31-1-1991. Hence the petitioner filed a Writ Petition before the High Court of Andhra Pradesh in W.P. No. 10696 of 1991 and the Hon'ble Court of Andhra Pradesh was pleased to issue writ of certiorari under Article 226 of the Constitution of India and set aside the orders of the Government of India and directed the petitioner to file a fresh representation before the Central Government. As per the directions of the Hon'ble High Court of Andhra Pradesh the petitioner submitted his application before the Government of India, Ministry of Labour, New Delhi and thereafter the Government of India, Ministry of

Labour referred the said dispute for adjudication to this Tribunal.

In I.D. No. 29 of 1988 (Between G. Rama Murthy and the DET., Bhimavaram, West Godavari District) this Tribunal allowed the claim of the workman and directed the Management to reinstate the workman. As the facts of that case are similar to the facts of the present petitioner herein, The said orders were upheld by the Hyderabad Bench of Central Administrative Tribunal by its order in O.A. No. 927 of 1991. The petitioner is entitled to similar treatment and for similar benefits in as much as his case stands on an identical footing. The petitioner could not secure any alternate employment inspite of his best efforts. The petitioner is entitled for reinstatement and absorption as Regular Telephone Operator. Hence the Tribunal may be pleased to pass an award directing the respondent to reinstate the petitioner absorb him as regular Telephone Operator or as Telecom Office Assistant with continuity of service and may grant benefits which are consequential and incidental to his reinstatement and absorption.

3. Though several opportunities were given for the Respondent|Management to file its counter the respondent failed to file Counter. Hence the respondent has been set ex parte.

4. On behalf of the petitioner, W.W1, is examined and Exs. W1 to W16 are marked. The petitioner, N. Jayarami Reddy got himself examined as W.W1 and he deposed to the averments in the claim statement. No oral or documentary evidence is adduced on behalf of the Respondent|Management. The details of the documents Exs. W1 to W16 marked on behalf of the petitioner|workman are appended to this Award.

5. The points that arise for consideration are as follows :—

1. "Whether the action of the Sub-Divisional Officer Telecommunications Madanapalli, Chittoor District, (A.P.) in terminating the services of the petitioner Sri N. Jayarami Reddy, Short Duty Telephone Operator w.e.f. 30-9-1981 is justified ?
2. To what relief the petitioner, N. Jayarami Reddy is entitled ?"

6. Point-1 : The admitted facts as revealed from the evidence on record are as follows :—

The petitioner Sri N. Jayarami Reddy was selected provisionally to work as Short Duty Telephone Operator in the Telephone Exchange, Andivaripalle which is under the control of the respondent-Sub-Divisional Officer, Telecom, Madanapalli by the order dated 18-11-1980. Ex. W2 is the xerox copy of the list of selection of 14 candidates as short duty Telephone Operators. The petitioner herein is at S. No. 9 in the said list. The selection of the petitioner is subject to the conditions laid down in the said selection order. In pursuance of the said selection the petitioner joined duty as short duty Telephone Operator on 29-12-1980 and his services were orally terminated on 30-9-1981. The petitioner was not

given any notice or pay in lieu of notice regarding his termination and he was also not any retrenchment compensation. Ex. W1 is the xerox copy of the certificate issued by the Junior Engineer (phones), Madanapalle to the effect that the Petitioner Sri N. Jayarami Reddy was employed as Short Duty Telephone Operator in the Telephone Exchange, Madanapalle from 29-12-1980 to 30-9-81 and that his work was satisfactory during the said period. Ex. W3 is said to be a copy of representation dated 7-2-1982 sent by the petitioner to the Divisional Engineer, Telegraph, Tirupati with a request to consider his case and to appoint him as Telephone Operator. Exs. W4, W5 and W6 are the xerox copies of Certificates of Posting addressed to the Divisional Engineer, Telecommunications, Tirupati. It is also admitted that the petitioner herein raised a dispute before the Assistant Commissioner of Labour (C), Vijayawada and conciliation efforts ended in failure. Ex. W7 is the xerox copy of the notice dated 19-2-90 issued by the Assistant Commissioner of Labour (C), Vijayawada to the petitioner and the Divisional Engineer, Telecommunications, Tirupati directing them to appear before them on 8-3-1990 in the office of Labour Enforcement Officer (C), Gudur. Conciliation efforts ended in failure under Ex. W8 dated 29-6-1990, the Assistant Labour Commissioner (C), Vijayawada submitted his failure report to the Secretariat to Government of India, Ministry of Labour, New Delhi. Under Ex. W9 Government of India, Ministry of Labour, New Delhi informed the petitioner and others about its decision not to refer the said dispute for adjudication. There upon the petitioner and other filed W. P. No. 10696 of 1991 on the file of High Court of A.P., Hyderabad against Government of India assailing the orders passed by the Central Government in rejecting the plea of reference of the petitioner for adjudication before the Industrial Tribunal. The Hon'ble High Court of A.P. by its judgement dated 2-9-1994 set aside the orders of the Government and directed the petitioner to file fresh application before the Government of India, Ministry of Labour, New Delhi and Government of India was directed to consider the said application of the petitioner. Ex. W10 is the xerox copy of the judgment in W.P. No. 10696 of 1991. In pursuance of the direction of the High Court the petitioner submitted the petition dated 26-9-1994 (Ex. W11) to the Government of India, Ministry of Labour New Delhi seeking reference of the dispute to the Industrial Tribunal under Section 10 of the I.D. Act Thereafter the Government made his reference.

7. The Learned Counsel for the petitioner submits that the petitioner worked continuously for 274 days i.e. from 29-12-1980 to 30-9-1981 as Short Duty Telephone Operator, that without giving any notice or pay in lieu of notice and without paying retrenchment compensation as required under Section 25(F) of the Act, the petitioner has been retrenched from service and as such it is illegal and the petitioner is entitled for reinstatement with back wages and continuity of service.

8. It is well settled that all Retrenchment is termination of service but all termination of service may not be retrenchment. In order to be "retrenchment",

termination of service has to fall with in the ambit of definition of "retrenchment" in Section 2(oo) of the Act. Further Section 25(F) of the Act prescribes the requirements of notice and compensation as conditions precedent to retrenchment of a workman. Termination of service of a workman as a measure of retrenchment without complying the requirements under Section 25(F) of the Act will be illegal. It is also well settled that the burden of proof to be established that the termination of service of the workman is "retrenchment" is on the person put forward the claim. In other words where the employee claims that he has been retrenched, he must prove that he has been retrenched from service and it is not for the employer to prove the discharge of the termination of the employee was otherwise than by way of retrenchment. In discharge of that burden, in the instant case, the petitioner got himself examined as W. W1. It is in his evidence that he worked as Short Duty Telephone Operator in the respondent establishment from 29-12-1980 to 30-9-1981, that without any reason he has been discharged from service without giving any notice or paying wages in lieu of notice or retrenchment compensation. It is also well settled that discharge simplicitor does not amount to "retrenchment". If the termination actuated by motive of victimisation or unfair labour practice it amounts to retrenchment. Hence it has to be seen whether the discharge of the petitioner w.e.f. 30-9-1981 amounts to "retrenchment" as defined under Section 2(oo) of the Act.

9. As earlier stated Ex. W2 is the xerox copy of the letter dated 18-11-1980 selecting the petitioner and 13 others as short Duty Telephone Operators: The name of the petitioner is at S. No. 9 in this letter. As seen from this letter the petitioner and others selected candidates were informed that it is not a regular appointment as an operator but purely an engagement on casual basis to be paid at an hourly rate to make good the dearth of regular operators due to absenteeism etc., and that they will not be engaged for more than 3 hours at a time, that the payment will be made once in a week or once in a month depending upon the engagement and payment will be Rs. 2/- per hour or as prescribed from time to time, and that they will be given elementary training for three days to ten days without any payment and this engagement on casual basis does not confer any entitlement for appointment as regular operators. Obviously accepting for these terms only the petitioner has joined as Short Duty Telephone Operator on 29-12-1980. It is clear from this letter of selection Ex. W2 that the petitioner was appointed to tide over the difficulty of absenteeism of regular Telephone Operators and it is purely on casual basis, to be paid at hourly rate and it is not against a permanent vacancy and the petitioner is not entitled to claim appointment as Regular Operator. The Petitioner was not employed on regular basis

against permanent vacancy obviously he was engaged as the attendance of the regular Telephone Operators was poor and he had to be discharged when the attendance of regular operators was improved. Therefore the discharge of the petitioner is a discharge simplicitor. It cannot be said that it has been motivated by vindictiveness or due to unfair labour practice on the part of the respondent. The Petitioner cannot be continued in service after the return of the regular Telephone Operator to the office. Therefore the termination of the service of the petitioner does not amount to "retrenchment" as defined under Section 2(oo) of the Act.

10. The claim of the petitioner for reinstatement has also become stale. Admittedly the petitioner was discharged from service w.e.f. 30-9-81. As seen from Ex. W8 the petitioner submitted a letter raising the dispute before the Asstt. Commissioner of Labour (C) Vijayawada and the said letter was received in the office on 30-1-1990. Conciliation meetings were held on 8-3-1990, 10-4-1990 and 26-6-1990. Therefore the said dispute was raised before the Assistant Commissioner of Labour (C) Vijaywada only on 30-1-1990. Thus he raised the dispute nearly a decade after his discharge from service. The petitioner slept over the matter for over a decade before he raised the dispute for reinstatement. No explanation is forthcoming for such abnormal delay in raising the dispute. The petitioner is relying on Exs. W3, W4 W5 and W6 to show that he made some representations to the Divisional Engineer, Telecommunications Tirupati for reinstatement. Ex. W3 is said to be the representation dated 7-2-1982. In the claim statement there is no mention with regard to his representation dated 7-2-1982. There is also nothing on record to show that the original of this letter has been sent to the respondent; Exs. W4, W5 and W6 are the xerox copies of Certificate of posting. Office copies of the letters sent under these certificates of posting are not produced before this Tribunal. Nothing prevented the petitioner from submitting the office copies of the letter sent under this certificate of posting.

The Claim of the petitioner for reinstatement after such a long time cannot be sustained.

It is well settled that the Courts will not normally enquire into the belated and stale claims as such enquiry may lead to unhealthy practice resulting in improper exercise of discretion. In "DEHRI ROHTAS LIGHT RAILWAY CO. Vs DISTRICT BOARD, BHOJPUR (1992 II SCC 598)" their Lordships of Supreme Court observed thus :—

"The rule which says that the Court may not enquire into the belated and stale claim is not a

rule of law, but a rule of practice based on sound and proper exercise of discretion. Each must depend upon its own facts. It will depend on what the breach of the fundamental right and the remedy claimed are and how delay arose. The principle on which the relief to the party on the grounds of laches or delay is denied is that the rights which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay."

As earlier stated no explanation is forthcoming on behalf of the petitioner for such long delay in raising the claim for reinstatement. Admittedly many others have been employed as Telephone Operators subsequent to the discharge of the petitioner. By permitting the petitioner to raise of this stale claim at this belated stage, it results in scaled matters becoming unsettled. Therefore the claim of the petitioner cannot be entertained as it has become stale.

11. The learned counsel for the petitioner submits that in a similar case by one Sri Ramamurthy in I.D. No. 29 of 1988 against the Divisional Engineer, (TELECOM), DET., Bhimavaram, West Godavari District, Andhra Pradesh this Tribunal upheld the demand of the workman for absorption on regular basis either as Telephone Operator or as Telecom Officer Assistant and the said orders of this Tribunal were upheld by the Central Administrative Tribunal of Hyderabad Bench in O. A. No. 927 of 1991 and that this petitioner is also entitled for similar treatment and similar benefits in as much as this case stands on identical footing.

This argument cannot be sustained for the reason that simply because this Tribunal upheld the demand of a workman in I.D. 29 of 1988, it cannot be said that the petitioner herein is also entitled for the same relief. The award in I.D. No. 29 of 1988 and the order of the Central Administrative Tribunal, Hyderabad Bench in O. A. No. 927 of 1991 referred to by the learned counsel for the petitioner, are not produce before this Tribunal. It is not known under what circumstances the claim of the workman Sri G. Ramamurthy was allowed in I. D. No. 29 of 1988. We are not aware of the facts in that case. The claim of the petitioner herein is a speculative one.

12. The learned counsel for the petitioner submits that as per the circular order dated 7-9-1982 the petitioner is entitled to be included in the panel of Reserve Trained Pool (RTP) and he should be recruited as Telephone Operator in preference as and when the vacancy arises. The learned counsel for the petitioner also relied on

Ex. W16 the xerox copy of the orders passed by the General Administrative Tribunal, Hyderabad Bench in Transfer Application Nos. 38 and 39 of 1988. But the said judgment of the Central Administrative Tribunal and the circular dated 7-9-82 are not applicable to the petitioner herein under the circular order dated 7-9-82 the short duty Telephone Operators who are in service on that date will have performance over others while creating the Reserve Trained Pool Panel. The judgement under Ex. W16 is also not applicable to the facts in this case. In that case the Short Duty Telephone Operator was on duty by the date of issuance of the circular order 7-9-82 and he was discharged from duty on 5-7-83. Therefore the Lordships of Central Administrative Tribunal, Hyderabad Bench held that in pursuance of the circular orders that workman ought to have been continued in service though his name did not find place in the 'B' list therefore termination of that workman was held as invalid. As earlier stated the petitioner herein was discharged from service before the circular order dated 7-9-82 was issued. Hence the petitioner herein is not entitled for reinstatement on the basis of the said circular order dated 7-9-82. At page 3 in the claim statement it is pleaded that the petitioner is entitled to be reinstated as Reserve Trained Pool Telephone Operator in accordance with the Director General's Clarification dated 28-3-81, but the said clarification is not filed in to Court.

13. There is also suppression of facts by the petitioner in this case. The petitioner in his claim statement has categorically pleaded that ever since the termination of his service he could not secure any alternate employment inspite of his best efforts and that he seeks reinstatement into service with continuity of service and consequential benefits incidental to his reinstatement. Thus he has pleaded in the claim statement specifically for reinstatement as if he is out of service from the date of discharge. But in his evidence as W.W1, petitioner states in his examination-in-chief itself that he joined in the respondent department as Mazdoor on 9-3-93 and till today he continues to work at Mazdoor. Thus he has been profitably employed subsequent to his discharge from service and he has suppressed the factum of his employment since 1983 onwards. Thus the petitioner has not come up with clean hands.

14. The learned counsel for the petitioner submits that no evidence has been adduced on behalf of the respondent who remained ex parte and that no counter has been filed, and no rebuttal evidence has been adduced on behalf of the Respondent. It is true, for the reasons best known to him, the

respondent remained ex-parte from the beginning. But, as earlier stated, the burden lies on the petitioner to establish that his termination is "retrenchment" under the definition of Section 2(oo) of the LD Act. Considering the evidence on record I am of the opinion that the petitioner failed to discharge that burden and he failed to prove that his termination comes under the definition of "retrenchment" under Section 2(oo) of the Act. His termination is only discharge simplicitor.

15. In the light of my above discussion, I have no hesitation to conclude that the discharge of the petitioner is only discharge simplicitor and it is not actuated by any motive of vindictiveness or unfair labour practice and therefore, the termination of the petitioner is not done within the definition of "Retrenchment" under Section 2(oo) of the Act, and the respondent need not comply with the statutory requirements under Section 25(F) of the Act and that the claim of the petitioner for reinstatement has become stale due to efflux of time. Hence I hold on the point that the action of the respondent in terminating the services of the petitioner, Sri N. Jayarami Reddy, w.e.f. 30-9-1981 is justified. The point is thus decided in favour of the respondent and against the petitioner.

16. POINT 2.—This point relates to the relief to be granted to the petitioner in this reference. In view of my findings on point No. 1 the petitioner is not entitled for any relief in this reference.

17. In the result award is passed stating that the action of the Respondent in terminating the services of the Petitioner N. Jayarami Reddy w.e.f. 30-9-1981 is justified and the petitioner is not entitled for any relief under this reference. The reference is answered. The parties are directed to bear their costs.

Dictated to the Stenographer, transcribed by him, corrected by me, given under my hand and seal of this Tribunal on this 18th day of December, 1995.

A. HANUMANTHU, Chairman

APPENDIX OF EVIDENCE

Witnesses Examined
for the Petitioner :
W.W1 N. Jayaram Reddy

Witnesses Examined
for the Respondent :
NIL

DOCUMENTS MARKED FOR THE PETITIONER-WORKMAN

Ex. W1 Xerox copy of the Service Certificate of the workman.

Ex. W2 Xerox copy of the appointment Order dated 10-11-80.

Ex. W3 Representation dated 7-2-92 of the workman to the Divi. Engineer, Telegraphs, Tirupathi.

Ex. W4

to Xerox copies of the Certificate of postings.

Ex. W6

Ex. W7 Xerox copy of Notice of the Conciliation Officer to the workman dated 19-2-1990.

Ex. W8 Xerox copy of Failure Report dated 29-6-90 of the Conciliation Officer

Ex. W9 Xerox copy of the Letter dated Nil in No. L-40012/116/90-IR(DU) from Govt. of India, Ministry of Labour, New Delhi.

Ex. W10 Xerox Copy of High Court's Order dated 2-9-1994 in W.P. No. 10696/91.

Ex. W11 Representation dated 26-9-94 of the workman to the Secretary Government of India, Ministry of Labour, New Delhi.

Ex. W12 Xerox Copy of the DC & T Letter dated 7-9-82 constituting the standing pool in Trained Reserve.

Ex. W13 Xerox copy of the letter dated 15-1-87 of the Telecommunications, A.P., Hyderabad.

Ex. W15 Xerox copy of letter dated 20-1-1982 allotment of short duty telephone operators to the exchange.

Ex. W16 Xerox copy of the Letter dated 21-6-83 of the Divi. Engineer, Tel. Communications, Tirupathi posting of RTP TO's on completion of 8 months training.

Documents marked for the Management :

NIL

नई फ़िल्मी, 29 फरवरी, 1996

का.आ. 899.—श्रीदीगिका विवाद अधिनियम, 1947 (1947 का 14) को ८.ग 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टलीकोत के प्रबन्धनत्र के संबंध नियोजनों और उनके कर्मकारों के बीच, अन्यथा में निर्दिष्ट श्रीदीगिका विवाद में केन्द्रीय सरकार श्रीदीगिका विवाद, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या प्रल- 40012/93/91—प्राई.आर. (डी.यू.)]

के. वी. बी. उमी. डैस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Calcutta Telephone and their workman, which was received by the Central Government 28-2-96.

[No. L-40012/93/91-IR(DU)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 38 OF 1991

PARTIES:

Employers in relation to the management of Calcutta Telephones.

AND

Their workman

PRESENT:

Mr. Justice K. C. Jagadeb Roy Presiding Officer.

APPEARANCE:

On behalf of Management: Mr. T. Chowdhury, Advocate.

On behalf of Workman : Mr. M. S. Dutta, Advocate.

STATE: West Bengal INDUSTRY: Telephones.

AWARD

By Order No. L-40012/93/91-IR(DU) dated 12/14/11-1991, the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Calcutta Telephones, Deptt. of Telecommunications, Tahar Mansion, 8 Bentick Street, Calcutta-1, in terminating the services of Shri Dilip Kumar Bhakta, casual workman, w.e.f. 1-1-89 is legal, proper and justified? If not, to what relief the workman is entitled to?"

2. The case of the workman in brief is that he was appointed by the M/s. Calcutta Telephones as a casual labour with effect from 2-2-1987 and was posted in the section of SDOP (Zone-iv) 26/27 Exchange (External) P-9/10, Ganesh Chandra Avenue, Calcutta-13 and worked there continuously till 31-12-1988. His services were suddenly terminated with effect from 1-1-1989 without assigning any reason whatsoever and without complying with the mandatory provisions of section 25F of the Industrial Disputes Act, 1947. According to the workman

this termination amounted to retrenchment within the meaning of section 2(oo) of the Industrial Disputes Act 1947 and since he worked for more than 240 days within 12 months preceding the date of his retrenchment, he was entitled to notice, in the alternative for the payment of wage for the notice period in lieu thereof as well as the retrenchment compensation as the conditions precedent to such retrenchment as envisaged in section 25F of the Act. To support his contention the workman has exhibited a certificate given to him by Sri A. K. Bhattacharjee, SDOP (Zone-iv) under whom he was working which shows that he had worked for 260 days in the year 1987 and 247 days in the year 1988 and the said certificate has been marked Ext. W-1. This certificate is dated 5-4-1990.

2. The workman examined himself as his only witness and stated in his evidence that even though he did not receive any letter of appointment, he was given to understand that his appointment was permanent which was stated to him by Sri Bhattacharjee. He also stated that he worked for 260 days in the year 1987 and 247 days in the year 1988 and his job was terminated with effect from 1-1-1989. It was his case that the original of the certificate showing the period of his work was kept with Sri Bhattacharjee but a copy only was given to him which was marked Ext. W-1. According to him he was not given any notice or paid any retrenchment compensation on his termination. On the termination of his service he had represented to the management and approached the Assistant Labour Commissioner. His representation before the Assistant Labour Commissioner is marked Ext. W-2 in which he has also stated that he worked for a total period of 507 days. He has also stated in his deposition that he had made a representation to the Assistant Labour Commissioner enclosing therewith a statement showing his period of work in the years 1987 and 1988 which has been marked as Ext. W-3 in the case. The enclosure to Ext. W-3 shows the period of his engagement in 1987 being 260 days and 247 days during 1988.

3. The case of the management however was that the workman did not work for the period he claimed but the total period of his work was only 78 days as enumerated in paragraph 5 of their written statement. As such it was the contention of the management that he was not entitled to the benefits of section 25F of the Industrial Disputes Act, 1947. The management had filed the ACE-2 accounts sheet and ACC-17, vouchers which are marked Ext. M-1 and Ext. M-2 series for the purpose of justifying their stand that the workman had worked only for those days mentioned in those exhibits which do not exceed total of 78 days. Even though the management had filed xerox copy of a letter dated 11-11-92 of Sri Bhattacharjee then S.D.O.P. (iv), 26/27 Exchange to the A.E. Staff City, Calcutta Telephones providing particulars of casual labourers engaged after 30-3-1985 alongwith a corrected sheet showing the period of engagement of Sri Bhakta in which the workman was shown to have worked for 78 days in 1987 and never in the year 1988, nobody had been examined on behalf of the management to show

what are the circumstances in the month of November 1992 requires Sri Bhattacharjee to correct the particulars of casual labourers engaged after 30-3-1985 and to file a fresh sheet showing different dates. The learned counsel appearing for the workman states that those are after thoughts and was only prepared to avoid the claim of the workman as by that time the matter was already before the Tribunal for adjudication. It is also surprising why the management failed to examine any witness particularly Sri Bhattacharjee the maker of the subsequent report. Management had also taken no steps to mark the newly prepared list in the case. Even though the management had filed some ACG-17 vouchers and ACE-2 accounts sheets, there was no evidence lead before the Tribunal to prove that no other vouchers and accounts sheets were there showing the payment to the concerned workman.

4. In such view of the matter, I am prepared to accept the contention of the workman that he had worked for the period of 260 days in the year 1987 and 247 days in the year 1988 as stated by him in his written statement, deposed in his evidence and supported Ext. W-1.

5. There is no doubt that this termination amounted to retrenchment as has been held by the Hon'ble Supreme Court in Punjab Land Development and Reclamation Corp. Ltd., Chandigarh etc. and several others Vs. Presiding Officer, Labour Court, Chandigarh etc. & several others, reported in 1990 (I) LLJ 70 that all kinds of termination of employer of the service of a workman for any reason whatsoever except those expressly excluded in that section amounts to retrenchment. What was excluded in that section are enumerated below:

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of a workman on the ground of continued ill-health.

Since the termination in this case did not fall in any one of such excepted categories, it amounted to retrenchment.

6. The law is well-settled that if a workman has worked for more than 240 days within 12 months preceding the date of his retrenchment without complying the requirements of Section 25F of the Industrial Disputes Act, 1947, namely the notice of wage in lieu of notice for a month as well as the compensation as contained in Section 25F(b), the order of termination shall be ab-initio void, invalid and inoperative and the workman would be deemed in continuous service. This is so held in Mohan Lal Vs. Bharat Electronics Ltd., reported in 1981 (II) LLJ 70 at page 78. The Hon'ble Supreme Court also stated in the same case that the workman shall be entitled to all consequential benefits namely the back

wages in full and other benefits, if any. In the present case the workman has stated categorically in his evidence that since his termination of service, he has not been gainfully engaged anywhere and he was sitting idle.

7. In such view of the matter, I hold that the order of termination is void ab-initio, invalid and inoperative and the workman shall be deemed to be in continuous service and is entitled to all the back wages.

The reference is answered accordingly.

K. C. JAGADEB ROY, Presiding Officer.

Dated, Calcutta

The 14th February, 1996.

नई दिल्ली, 29 फरवरी, 1996

का० आ० 900.—श्रोतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल केमिकल लेबोरेटरी के प्रबन्धतात्त्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रोतोगिक विवाद में केन्द्रीय सरकार श्रोतोगिक अधिकारक, बम्बई नं० 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[सं० एल-42012/37/93/आई आर (डी.प.)]

के. वी. वी. उम्री, इंस्क्रिप्शन अधिकारी

New Delhi, the 29th February, 1996

S.O. 900.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in Industrial Dispute between the employers in relation to the management of National Chemical Laboratory and their workmen, which was received by the Central Government on 27-2-96.

[No. L-42012/37/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2. MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT 2/42 of 1994

Employers in relation to the management of National Chemical Laboratory and their workmen.

APPEARANCES :

For the workmen.—Mr. K. P. Anil Kumar,
Advocate.

For the employer.—Mr. H. Y. Deo, Advocate.
Mumbai, dated 8th February, 1996.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/37/93-IR (DU) dated 25-8-94 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of National Chemical Laboratory, Pashan in terminating the services of Shri N. Nagrajan, is proper, legal and justified ? If not, to what relief the workman concerned is entitled ?"

2. N. Nagrajan, the workman of the National Chemical Laboratory (hereinafter referred to as NCL) serves there from 1984 onwards. He was in continuous service without any break till July 1990. In this period he worked for more than 900 days. The N.C.L. had no complaints whatsoever nature about the work of Nagrajan.

3. The workman contended that the management of N.C.L. paid him regularly, months salary though on the daily wage basis as per the rules and regulations of it. It is averred that he was actually engaged by N.C.L. against a permanent post for the work of a continuous and permanent nature. But he was never regularised in his service by it, just to deprive him of the status and privileges of a permanent employee. In June 1990 the N.C.L. prepared a seniority list about the 126 persons working as labourers in it. His name was shown at serial No. 85 of the seniority list. In fact the N.C.L. wanted to regularise his service but instead of doing so his services were illegally terminated in June 1990.

4. The workman pleaded that on 12-6-90 he received a message that his mother who was staying at Tamil Nadu was seriously ill. He took verbal permission of his superior and proceeded to Tamil Nadu to stay and to look after his ailing mother. But on reaching there he himself fell sick. He was treated in a government hospital, Ulunderpet, Tamil Nadu from the 12th June, 1990 to 20th July, 1990. Then he came back to Pune and tried to join the services on 27-7-90. He was not allowed to join the duties. He was informed that his services were terminated.

5. The workman pleaded that without giving any notice nor a retrenchment compensation his services were terminated w.e.f. 12-6-90. It is totally illegal. It is averred that the action of the management in non compliance of section 25 of the Industrial Disputes Act of 1947 before terminating the services of the worker are illegal. Hence he is entitled to reinstatement in service with full back wages and continuity in service. He prayed for the said reliefs.

6. The management of the N.C.L. resisted the claim by the written statement Ex-'5'. It is pleaded that the N.C.L. is a Unit of the Council of Scientific

and Industrial Research (herein after referred to as C.S.I.R.). The Central Administrative Tribunals and the Central Government Industrial Tribunal, Kanpur have come to the conclusion that the C.S.I.R. is not an industry. Under such circumstances the reference is not tenable.

7. It is averred that the N.C.L. is engaged in research and development of chemical science with a purpose to reach the results of programmes of chemical science to the people. The employees working in NCL are governed by the rules and regulations of C.S.I.R. Under the said rules N.C.L. is permitted to undertake sponsored research and developments project on behalf of private parties and Govt. funding agencies. These projects are for fixed period and for particular objective. The sponsoring agency bore the cost of such projects and the management done by the Scientific Officer of N.C.L. who is known as project leader. The officer considering the need of the project may employ for the project some employees on purely contract basis for a fixed period of time. Therefore appointment is with the approval of the Director of N.C.L., this being an insignificant formality, as he is the overall incharge of the activities of the laboratory. It is well informed to the employee who is appointed in that project that he would have rights explicitly or implicitly on a post either in N.C.L. or CSIR and as the appointment is for a particular project. If they are found fit they are again engaged in some other project which is taken by NCL.

8. The management pleaded that Nagrajan the worker was appointed for one such specified project and for a fixed period of time. Under such circumstances he cannot claim any obligations from NCL. It is submitted that he could be continued from one project to another project as the employment was available in different projects for him. It is averred that the worker did not come for duty from 8-6-90 till his termination order was issued on 12-7-90. It is submitted that taking into consideration the fact that he was not interested for work his services were terminated from 7-6-90. It is submitted that at any rate he was ceased to be in service w.e.f. 30-6-90. Under such circumstances there was no illegality in the termination of Shri Nagrajan but as per his own contract of service was temporary/contractual and further his employment could have been terminated at any time during the tenure of his employment. It is submitted that the worker had no right for claiming reinstatement particularly since he was only contractual engagement. For all these reasons it is submitted that there is no merit in the claim of the worker.

9. The management denied that the seniority list was prepared for regulations of such employees. It is averred that such a list was prepared to give employment to the persons whenever there was a vacancy. It is submitted that for all these reasons the reference may be answered in favour of the management.

10. The issues that call for my consideration and my findings thereon are as follows :

Issues	Findings
1. Whether the court has jurisdiction to try and decide the dispute ?	No.
2. Whether the action of the management of NCL in terminating the services of Shri N. Nagarajan is proper, legal and justified ?	Does not survive If survives. Yes
3. If not, to what relief the workman is entitled to ?	Does not arise

REASONS

11. Mr. Anil Kumar the Learned Advocate for the management argued that the NCL is not an industry and as such the reference is not tenable. To substantiate his submissions he placed reliance on some authorities which I will be discussing below. On the other hand Mr. Deo the Learned Advocate for the workman argued that it is an industry and therefore the Tribunal had jurisdiction to decide the matter. He also placed reliance on some authorities which I will be discussing below.

12. The first authority on which the Learned Advocate for the workman relied was Padmavally & Ors. V. CPWD & Telecom, Vol. I & II, 334 80J. That was a case wherein the bench referred some of the points to a larger bench for adjudication. After considering the matter at length the Administrative Tribunal came to the conclusion that it does not exercise concurrent jurisdiction with the Industrial Tribunals to grant relief to the Industrial Disputes Act. It observed that the expression 'Service matter' covers not only matters provided for in service rules, but also in other laws and statutes including the ID Act. It observed that the Administrative Tribunal is a substitute for the Civil Court and the High Court but not for the authorities constituted under the Industrial Disputes Act. It further stated that the word "Arrangement" under section 3(r) of the Administrative Tribunal Act does not include Industrial Disputes Act and the Government servants who is also the workman is not always required to exhaust remedies available under the Industrial Disputes Act before approaching the Tribunal. He wanted to rely on this authority when it was argued on behalf of the management that the administrative Tribunal has jurisdiction over the dispute which is raised by the worker and not by the Industrial Tribunal. After going through the ruling it cannot be informed that the NCL which is a part of CSIR has to be termed as an industry. On the other hand Mr. Anil Kumar had drawn my attention to order passed by Central Administrative Tribunal, Bombay in Application No. 246 of 95 wherein Justice M. S. Deshpande had observed that the worker of the NCL who was threatened to be dismissed may approach that Tribunal within the specified period of orders of termination. In other words it is tried to suggest that the Adminis-

trative Tribunal came to the conclusion that over such a termination it had a jurisdiction. Nagarajan claims to be a worker of the NCL as he approached the Administrative Tribunal for the relief.

13. The Central Administrative Tribunal Lucknow in Suresh Kumar Mishra V. Union of India came to the conclusion that the Research Institute is not an industry as contemplated under the Industrial Disputes Act of 1947. There is not dispute that Nagarajan was doing the work in a project sponsored by some institutions and conducted by the NCL, which is a research institution. It is also not in dispute that the project is for the purpose of a particular type of research. As this is so relying on the ratio given 1994 I C R 544. Their Lordships observed that the an industry where the workman was working.

14. The Central Administrative Tribunal Indrakulam Bench in the case of Parameshwaran Pillai had observed that CSIR is not an industry and the applicant in that case cannot claim the benefit under the Industrial Disputes Act of 1947. Mr. Deo the Learned Advocate for the workman placed reliance on Central Inland Water Transport Corpn. Ltd. V. B. N. Ganguli and Ors, CLRS SC LC Vol. I, 446 and Jacob M. Puthuparambil V. Kerala Water Authority 1991 SCC (L&S) 25. The facts of those cases are quite different and the ratio given in those authorities has no application to the set of facts before me.

15. After the above said discussion it has to be said that as the NCL is not an industry and hence the Tribunal had no jurisdiction to entertain the present reference.

16. From the testimony of Nagarajan (Ex-7), Vishnu Deshpande (Ex-10) and Nagraj Ayengar (Ex-11) it reveals that NCL is a unit of CSIR. It is engaged in the research and development of the chemical sciences with a purpose to reach the results of progress of chemical science to the people. It is permitted to undertake a sponsored research and development projects on behalf of the private authorities and Government funding agencies. Nagarajan admits the position that he was working under such a sponsored scheme. His salaries were paid from such funds. It could be seen that the project funds are given to NCL and NCL used to make the payment. Dr. Deshpande and Ayengar affirmed that certificates which are produced alongwith Ex-4, 5&6 are issued to the workman on sympathetic ground and infact they had no authority to issue such certificates. On the basis of those certificates it reveals that the worker was working there but it cannot be said in view of the admitted position which I have described above that he is an employee of N.C.L. On the contrary he was given the work for a specific time as per the work of the project. Those documents could be seen alongwith Ex-'13'. Those office memorandums clearly speaks out that on which terms and conditions he was appointed.

17. Nagrajan affirmed that as his mother was ill he orally informed to his superiors and taking their permission went to his native place and there he fell ill. He produced the medical certificate of his sickness. When he tried to join the duty on 27-7-90 he was not allowed to join the duties and informed that he was removed from the service. It is not in dispute that he was not given one months notice nor any compensation. It is tried to argue on behalf of the workman that as there is no compliance of section 25F of the Industrial Disputes Act the termination/retrenchment is void and the worker may be directed to be reinstated in service. The Learned Advocate for the management placed reliance on Banarasi Das V. Presiding Officer, Labour Court, Ahmedabad 1994 I CLR 1003. It is observed by their Lordships that services of an employee appointed purely on Ad-Hoc basis, terminated as no longer required, under stipulation in that behalf, in the letter of appointment will not be covered under the definition of retrenchment in view of section 2(oo) (bb) of I.D. Act. In another case M.N. Gopal V. LIC of India 1994 I C R 544. Their Lordship observed that the termination of service of the applicant was a result of the contract of employment having been terminated under the stipulation specifically provided under regulations 14 of LIC staff regulation 1960 and the order of appointment of the appellant that such a termination is covered by clause (bb) of section 2(oo)(bb) and such a termination does not amount to retrenchment. The ratio given in these authorities has application to the present set of facts. Looking to the appointment letters which I have already referred above. Therefore, it cannot be said that this is a retrenchment. As this is not a retrenchment the question of non-compliance of section 25F of the I.D. Act does not arise. For all these reasons I record my findings on the issues accordingly and pass the following order:

ORDER

1. The action of the management of NCL, Pashan in terminating the services of Shri N. Nagrajan is proper, legal and justified.
2. No order as to costs.

S. B. PANSE, Presiding Officer. 8-2-96

नई दिल्ली, 29 फरवरी, 1996

कांस्ट्रा० 901.—ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार छाक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट ग्रीष्मोगिक विवाद में ग्रीष्मोगिक अधिकरण, मद्रास के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/2/96 को प्राप्त हुआ था।

[मं० एन-40012/ 24/92-ग्राइष्मारसी (ईयू)]

के. वी. वी. उम्रो, ऐस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of post and their workman, which was received by the Central Government on 27-2-1996.

[No. L-40012/24/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 21st day of December, 1995

PRESENT :

Thiru N. Subramanian, B.A. B.L., Industrial Tribunal.

Industrial Dispute No. 14 of 1993

(In the matter of reference for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Sr. Superintendent of Post Offices, Virudhunagar.

BETWEEN

Ms. R. Lakshmikantha,
1/77, Mullisevcl, B.O.
a/w Uppathur,
Virudhunagar Taluk-626 205.

AND

The Sr. Supdt. of Post Offices,
Virudhunagar Division.
Virudhunagar-626 001.

REFERENCE :

Order No. L-40012/24/92-IR(DU), dated 18-1-1993, Ministry of Labour, Govt. of India, New Delhi.

The dispute coming on for final hearing on Monday, the 4th day of December, 1995 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon-hearing the arguments of Miss S. Jothivani, Advocate appearing for the Workman and of Smt. C. K. Vishnupriya, Addl. Standing Govt. Counsel, for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

The Government of India by its letter No. L-40012/24/92-IR(DU), dated, 18-1-1993, referred u/s.

u/s 10(1)(d) of the I.D. Act, 1947 before this Tribunal for adjudication of the dispute regarding :—

“Whether the action of the Supdt. of Post Offices, Virudhunagar in terminating the services of Miss R. Lakshminikantha, is justified ? If not, what relief she is entitled to ?”

2. After services of notices both petitioners and respondent filed their claim statement and counter-statement.

3. The case of the petitioner is as follows :

The petitioner was appointed as Extra departmental Branch Post Master at Mulliseval branch office on 28-7-1989. Her appointment will take effect from 3-2-1988. The petitioner was ousted from service on 30-9-1989. She was reappointed in the same place on 13-12-1989. On 17-7-1989, the Sub-Divisional Inspector, Sivakasi called upon her to appear before him with personal record showing details of birth, date, education, Community, Nativity and property on 20-7-1990. The petitioner complied with orders of Sub Divisional Inspector. All of a sudden, the respondent without assigning any reason or without giving any prior notice, terminated the services orally on 25-7-90. It is against the principles of natural justice. No notice was given prior to her termination. No charge sheet was issued to the petitioner or no enquiry was conducted. Not even explanation was called for before terminating her services. When the petitioner personally approached the first respondent for the reasons of terminating, the first respondent refused to give reasons. First respondent has not sent any reply to the notice sent by the petitioner that the termination of the petitioner is illegal. The respondent has not followed provisions of Sec. 25-F of the I. D. Act before terminating her services. The petitioner approached the Conciliation Officer. The Conciliation Officer submitted his failure report. Hence the dispute has been raised.

4. The respondent filed his counter adopted by the 2nd respondent, contending that petitioner was working as Extra Departmental Branch Post Master w.e.f. 3-12-88 at Mulliseval branch from 14-12-89 and she served in the post till 30-7-90. The petitioner's services were terminated as it was observed by the competent authorities that selection of the petitioner for the permanent position was irregular. The termination of the petitioner's services was in accordance with the procedure contained in Rule 6 of the Posts & Telegraphs Extra Departmental Agent (Conduct & Service) Rules, 1964. No notice is required under Rule 6. Petitioner was working as Branch Post Master on provisional basis from 312-88. For making regular appointment, District Employment Office, Virudhunagar was addressed. A list containing 9 candidates was received. All the 9 candidates were asked to apply for the post alongwith the documents. 4 candidates applied for the post and none was found suitable. Subsequently, in response 3 applied for the post. All the three applications were sent to the Sub-Divisional Inspector for field report. He reported that all the three did not have independent source of income. Then the Senior Superintendent of Post Offices

has asked the petitioner alone to acquire independent source of income within one month's notice. The petitioner has already got a certificate as if she is working in Match works and on that basis the then Senior Superintendent came to the conclusion that the other 2 applications were not suitable as they did not possess independent source of income. Since equal opportunity was not shown to other applicants, the appointment was set aside. The services of the petitioner were terminated on 30-7-90. Notice of termination is not necessary. Hence the claim of the petitioner may be dismissed with cost.

5. By consent, Exs. W-1 to W-7 and M-1 and M-2 were marked.

6. The Point for consideration is : “Whether the action of the Supdt. of Post Offices, Virudhunagar in terminating the services of Miss R. Lakshminikantha is justified ? If not, what relief she is entitled to ?”

7. The Point : The petitioner was selected and appointed as Branch Post Master provisionally at Mulliseval branch by order dated 28-7-88, w.e.f. 3-12-88, for a period of 10 months. Subsequently, she was ousted from service. Again the petitioner was appointed as Branch Post Master in the same place, on 13-12-89, Ex. W-4 is the order of appointment dated 13-12-89. Hence she was working. Suddenly she was terminated from service from 30-7-90. Before termination of her services, no notice was served for her termination from service. According to the respondent the reason for the termination was that her appointment was irregular. If that is true, she must be given notice mentioning the reason for her termination from service. Further as admitted by the respondent the petitioner has worked from 13-12-89 till 30-7-90. So, the petitioner has worked only for 229 days from the date of her appointment till her termination. Under Sec. 25-F, one month notice or one month notice pay in lieu of notice or payment of compensation before retrenchment will arise only if the employee had worked continuously for not less than one year. Section 25(b) defines the continuous service of 1 year. As per Sec. 25(b)(a) (2), it prescribes 240 days as the minimum number of days the employee has to work. In the present case, even though the petitioner was originally appointed on 28-7-89, she was ousted from service on 30-9-89. So, her fresh appointment took effect on 13-12-89. So, her period of service has to be calculated from the 2nd appointment viz., 13-12-89. So, the petitioner had not worked for 240 days as required u/s. 25(b) of the I.D. Act, for entitlement of notice u/s. 25-F. So, the contention of the petitioner that she was not served with one month notice or notice pay or compensation prior to her termination cannot be accepted. Further it is contended by the respondent, the petitioner's service is terminated under Rule 6 of the Post & Telegraphs Extra Departmental Agent (Conduct & Service) Rules 1964, Ex. M-2, employee who has not in more than 3 years of continuous service is liable for termination by the appointing authority at any time without notice. Since the petitioner is not entitled to any of the

protection under the I.D. Act, the termination of petitioner by the Director of Postal Services under Rule 6 of the Posts & Telegraphs Extra Departmental Agent (Conduct & Service) Rules, 1964 is perfectly valid.

In the result an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 21st day of December, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For Workman :

Ex. W-1|17-7-89 : Office order issued to the workman (Xerox copy).

W-2|28-7-89 : Order of appointment issued to the workman for the post of Extra Departmental Branch Post Master (Xerox copy).

W-3|18-9-89 : Office Order issued to the workman (Xerox copy).

W-4|13-12-89 : —do—

W-5|29-5-90 : Order of appointment issued to the workman for the Post of Extra Departmental Branch Post Master w.e.f. 14-12-89 (Xerox copy).

W-6|1-1-91 : Petition filed by the Workman before the Conciliation Officer (Xerox copy).

W-7| : Counter statement filed by the Management before the Conciliation Officer (Xerox copy).

For Management :

Ex. M-1| : Inspection Report of Director of Postal Services (Xerox copy).

M-2| : Extract of Extra Departmental Agent Conduct & Service Rules (Xerox copy).

नई दिल्ली, 29 फरवरी, 1996

का०आ० 902.—श्रीद्वैगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विहित फैक्टरी के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्वैगिक विवाद में केन्द्रीय सरकार श्रीद्वैगिक अधिकारण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-2-96 को प्राप्त हुआ था।

[सं० एल-14012/19/88 डी-II (बी)]

के. वी. बी. उन्नी, ईस्क अधिकारी

New Delhi, the 29th February, 1996

S.O. 902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Vehicle Factory and their workman, which was received by the Central Government on 26-2-1996.

[No. L-14012|19|88-D. II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

Case Reference No. CGIT|LC(R)(202)|1939

BETWEEN

Shri Chandulal S/o Girjanand, Purana Dhobi Ghat Bhogapura, Atatemar, Thane Cantt. Jabalpur (MP)-482001.

AND

The General Manager, Vehicle Factory, Jabalpur (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For workman : Shri D. P. Shukla, Advocate.

For Management : Shri S. S. Jha, Advocate.

INDUSTRY : Vehicle Factory

DISTRICT : Jabalpur (MP)

AWARD

Dated : 13-2-1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-14012|19|88-D-2(B) Dated 5th October, 1989, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of management of Vehicle Factory, Jabalpur in terminating the services of Sh. Chandulal is justified ? If not, what relief the workman concerned is entitled to ?”

2. Admitted facts of the case are that the workman was working as Durban with effect from May 1975 and the services of the workman were terminated with effect from 11-5-1978. It is also a common ground that the workman remained in police custody on the allegation of committing theft; that the workman was acquitted in the criminal case after the trial vide Criminal Case No. 1996/68, judgment dated 25-9-80.

3. The case of the workman was that the management has illegally terminated his service without conducting the enquiry. The workman has prayed for reinstatement without the consequential benefit of back wages.

4. The case of the management is that the workman was appointed on probation on 8-5-75 and due to irregular attendance the services of the workman were terminated during the probationary period on 31-11-76; that the workman was given one more opportunity and he was reinstated on 18-12-1977; that after the reinstatement of the workman he again started remaining absent from the duty; that the workman remained in jail from 11-5-78 to 17-5-78; that the workman produced the false certificate for the alleged period of police custody; that the workman was not found fit to be retained in service; that the services of the workmen were not terminated on account of the criminal case.

5. Terms of the reference was made the issue in the case.

6. Documents filed by the management were admitted by the workman. Parties have not examined any witness. Workman has prayed for his reinstatement without back wages. Workman has alleged that he was gainfully employed after his termination.

7. It is not in dispute that the services of the workman were terminated without holding the domestic enquiry. The workman was on probation and the services of the workman were terminated during the period of probation. The management has alleged that the services of the workman were terminated on account of his irregular attendance inspite of the repeated warnings and the termination was not due to the criminal case against the workman. Consequently, the only fact in issue is whether the termination of the service of the workman was on account of the irregular attendance or whether the real cause of the termination was criminal case instituted against the workman.

8. The workman filed appeal for his reinstatement and the Ministry of Defence vide letter dated 19-8-86 (Marked Annexure A) while rejecting the appeal has observed that the services of the

workman was rightly terminated on the ground of the charge of theft. The rejoinder dated 5-9-88 was filed by the General Manager, Vehicle Factory, Jabalpur, before the Asstt. Labour Commissioner (C), Jabalpur and from the persual of para 3 of the reply, it is clear that one of the ground of termination of service of the workman was that the workman was arrested and remained in jail and the false medical certificate was given by the workman to show that he was under medical treatment during that period of his absence. The Asstt. Labour Commissioner (C) Jaalpubr had sent the failure report dated 29-3-1988 to the Ministry of Labour and from the observation made by the A.L.C.(C) in page 2 of his report, it is clear that the case of the management was that the services of the workman were terminated for his involvement in a criminal case of theft and for filing the false medical certificate.

9. The management has not led any evidence to show that before the arrest of the workman by the police and before filing the medical certificate, the management issued the letters to the workman that the workman was irregular in attendance and he should make improvement in this regard. Management started making allegations on the workman for his irregular attendance after the arrest of the workman by the police and after filing the medical certificate by the workman. Consequently, it is clear that the workman was terminated from the service on account of his arrest by the police and also for allegation that the false medical certificate was filed by the workman. It is pertinent to observe that the management conducted the preliminary enquiry against the workman for filing the false medical certificate and the report of the enquiry was that the workman was in jail during the period of which he has filed the certificate that he was under medical treatment.

10. The management has not produced the order of termination of the workman to show that the termination was without any stigma. However, none appeared for the management on many hearings and no attempt was made on behalf of the management to prove the misconduct against the workman. Admittedly, the service of the workman was terminated without holding departmental enquiry.

11. Consequently, in view of case Anoop Jaiswal Vs. Government of India (AIR 1984 SC 636) and in the back drop of the aforesaid circumstances, it is held that the impugned order of the termination of the workman is not discharge simplicitor, but there was a positive stigma against the workman of his involvement in the theft of management property and regarding filing the false medical certificate. The workman is entitled to claim protection under Article 311(2) of the Constitution of India.

12. Consequently, the termination of the services of the workman is held improper and unjustified. The management is directed that the workman be reinstated on the same post which he was holding prior to the impugned order of termination. However, the workman will not be entitled for the back wages. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 903.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अवेक्षित है कि अनियंत्रित (कच्चा तेल) मोटर और विमानन स्परिट, डीजल तेल, मिट्टी का तेल, ईधन तेल, विविध हाइड्रोकार्बन तेल और उनके यथार्थ, जिनमें सिंथेटिक ईधन, सेहक तेल और इसी प्रकार के तेल शामिल हैं, के निर्माण या उत्पादन में लगे उद्योग में सेवाधारी को औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की प्रथम अनुसूची को प्रतिष्ठि 26 में शामिल हैं, उक्त अधिनियम के प्रयोजनों के लिए लोकोपयोगी सेवा घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (vi) द्वारा प्रदत्त यक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छह मास की कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एस/11017/2/84-डी-1(ए)]

एस. वेनुगोपालन, अवर सचिव

New Delhi, the 7th March, 1996

S.O. 903.—Whereas the Central Government is satisfied that the public interest requires that the services in the industry engaged in the manufacture or production of mineral oil (crude oil), motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like, which are covered by entry 26 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-section (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/2/84-DI(A)]

S. VENUGOPALAN. Under Secy.

नई दिल्ली, 14 मार्च, 1996

का.आ. 904.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ज़दूर अहमद माईन आमेर, रामगंज कोटा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कमंकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-96 को प्राप्त हुआ था।

[संख्या एस-29012/31/91-आई आर (विविध)]

बी.एम.डीविड, ईस्क अधिकारी

New Delhi, the 14th March, 1996

S.O. 904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Jadoor Ahmed Mines, Ramganj, Kota and their workmen, which has received by the Central Government on the 27-2-96.

[No. L-29012/31/91-IR(Misc.)]

B. M. DAVID, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/
राज.।

निर्वेष प्रकरण क्रमांक : ओ. न्या. — 7/91

दिनांक स्थापित : 13-5-91

प्रसंग : भारत सरकार, अम मंत्रालय, नई दिल्ली के अद्येत
संख्या एस. 29012/31/91-आई.आर. (विविध)
दिनांक 9-5-91

औद्योगिक विवाद अधिनियम, 1947

मंध्य

जनरल सेक्रेटरी, राष्ट्रीय खान मज़दूर यूनियन,
4/27 विज्ञान नगर, कोटा।

श्रमिक यूनियन

एवं

ज़दूर अहमद माईन आमेर, बाजार में 1 रामगंज मर्डी
जिला कोटा/राज

—प्रतिपक्षी नियोजन

उपरिलिखित

श्री आर. के. चाचान,
श्री. एच. के. एस.

श्रमिक यूनियन की ओर से प्रतिनिधि— श्री के. एम. यादव
प्रतिपक्षी नियोजन की ओर से प्रतिनिधि— कोई उपस्थित नहीं
अधिनिर्णय दिनांक : 28-11-95

अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न
निर्देश श्रमिकोंगिक विवाद अधिनियम, 1947 (जिसे तदुप-
रान्त “अधिनियम” से सम्बोधित किया जायेगा) की धारा
10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधि-
निर्णार्थ सम्बोधित किया गया है:—

“Whether the action of Shri Zahoor Ahmed, Mine Owner, Ramganjmandi, in terminating the services of Gulab D/o Chandra, Coolie, at their Ripakhadi Mine w.e.f. 23-4-90 is legal and justified? If not, to what relief the concerned work lady is entitled and from which date.”

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्जे
रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी।
प्रार्थिनी गुलाब बाई के सम्बन्ध में प्रार्थी यूनियन की ओर
से क्लेम स्टेटमेन्ट प्रस्तुत कर संक्षेप में यह तथ्य अर्जित
किये गये हैं कि प्रतिपक्षी की स्थान पीपाबेड़ी ग्राम, तह
रामगंजमण्डी में स्थित है जिसमें करीबन 400-500 मजदूर
काम करते हैं। प्रार्थिनी भी प्रतिपक्षी के यहां 6 वर्ष पूर्व
में नियोजित थी ओर तब से अवाध रूप से निरन्तर
प्रतिपक्षी के यहां कार्य कर रही थी परन्तु अचानक
दि. 23-4-90 को उसे मौखिक आदेश देकर कार्यमुक्त कर दिया।
प्रार्थिनी को सेवामुक्त करने से पूर्व कोई चेतावनी पत्र
या आरोप-पत्र नहीं दिया गया और मनमाने ढंग से जान-
बूझकर सेवामुक्त कर दिया जोकि छंटनी की तारीख में
आता है। प्रार्थिनी ने यह भी कहा है कि प्रार्थिनी को
अधिनियम की धारा 25 (एन) के तहत तीन माह का नोटिस
नहीं दिया और न छंटनी का मुश्वावजा दिया अथवा श्रोफ़र
किया इस प्रकार उसे सेवा में छंटनी किया जाना अनुचित
करार दिया जावे। प्रार्थिनी ने यह भी कहा है कि उसे छंटनी
करने के ममय उससे कनिष्ठ श्रमिकों को कार्यरत रखा
जो कि अधिनियम की धारा 25-जी का उल्लंघन है तथा
उसी प्रकार उसे सेवा से निकालने के बाद अन्य नये श्रमिकों
को नियोजित किया जोकि धारा 25-एच का उल्लंघन है।
उसने यह भी श्रक्ति किया है कि दि. 9-4-90 को उसके
साथ नियोजक के मुश्शी मांगीलाल द्वारा जानबूझकर
धमकामुक्ती कर हाथ में चोट पहुंचाई जिस पर नियोजक से
शिकायत करने पर कोई ध्यान न देकर उन्हें उससे रंजिश
रखते हुए उसे सेवा में मुक्त कर दिया गया। इस प्रकार उसे

सेवा से तुर्भावनावशी निकाला गया है जोकि अनुचित
है, अतः उसे पिछले सम्पूर्ण वेतन व अन्य सभी सुविधाओं
सहित पुनः सेवा में लिये जाने का आदेश दिया जावे।

3. प्रतिपक्षी नियोजक की ओर से जंबाब प्रस्तुत कर
यह अभिलिखित किया गया है कि प्रार्थिनी गुलाबबाई ने
उनके यहां केवल 1-2-89 से 18-1-90 तक ही कार्य
किया है और इस अवधि में प्रथम वर्ष 89 में 23 दिन व
वर्ष 90 में 79 दिन ही कार्य किया है और उसने पूरे एक
वर्ष में 240 दिन कार्य नहीं किया है। यह भी अंकित किया
गया है कि प्रार्थिनी 18-1-90 से स्वयं कार्य पर नहीं
श्रायी ओर उसने कार्य करना बन्द कर दिया इस कारण
मौखिक आदेश देने का कोई प्रश्न नहीं उठता। प्रतिपक्षी ने
उसे कभी नोटिस से नहीं निकाला और न उसके अपरछंटनी
के प्रावधान लागू होते हैं।

4. प्रार्थिनी गुलाबबाई को ओर से साक्ष्य में स्वयं का
तथा एक अन्य गवाह द्वारका बाई का शपथ-पत्र प्रस्तुत किया
गया परन्तु प्रतिपक्षी को कई अवसर जिरह हेतु दिये जाने के
उपरान्त उससे कोई जिरह नहीं की गयी तथा 20-9-95 को
प्रतिपक्षी की ओर से कोई उपस्थित भी नहीं हुआ, इस कारण
उनके विरुद्ध कार्यवाही एकतरफा अमल में लायी गयी।
प्रार्थिनी की बहस एकतरफा मुश्शी गयी व पत्रावली का श्रवलो-
कन किया गया।

5. प्रार्थिनी गुलाबबाई में अपने क्लेम स्टेटमेन्ट के
समर्थन में प्रस्तुत शपथ-पत्र में यही अंकित किया है कि उसने
प्रतिपक्षी के यहां 5 वर्ष तक लगातार कार्य किया है और
उसकी हाजिरी मांगीलाल मुश्शी भरता था। उसने प्रतिपक्षी
के यहां 240 दिन से भी अधिक समय तक कार्य कर लिया
था तथा दि. 9-4-90 को अचानक मांगीलाल मुश्शी ने उससे
अभद्र व्यवहार किया तथा हाथ पकड़कर घसीटा जिससे उसके
हाथ में चोट आने पर उसकी शिकायत प्रतिपक्षी से की परन्तु
कोई ध्यान नहीं देकर उन्हें उसे बिना आरोप-पत्र या चेतावनी-
पत्र अथवा नियमानुसार नोटिस श्रथवा नोटिस वेतन व छंटनी
का मुश्वावजा दिये दि. 23-4-90 से छंटनी कर दिया जो
किसी भी प्रकार से उचित नहीं है। उसने यह भी कहा है कि
वह नौकरी से निकालने के दिन से पूर्णतया बेतोजगार है।
उसके साथ द्वारका पुत्री रतनलाल व कर्मबाई आदि भी
कार्यरत थीं। प्रार्थिनी ने अपने कथन की पुष्टि में गवाह
द्वारकाबाई का शपथ-पत्र भी प्रस्तुत किया है जिसने भी
प्रार्थिनी के साथ घटी घटना व अनुचित रूप से नौकरी से
हटाना बयान किया है। इस प्रकार प्रार्थिनी के इस कथन पर
अविश्वास किये जाने का कोई कारण नहीं है विशेषकर उस
मूरत में जबकि प्रतिपक्षी की ओर से उनसे कोई प्रतिपरीक्षा
नहीं की गयी है और न अपना पथ ही प्रस्तुत किया है,
यहां तक कि उनकी ओर से कोई उपस्थित नहीं होने से उनके
विरुद्ध कार्यवाही एकतरफा अमल में लायी गयी है जोकि
स्वयं उनकी उदासीनता का धोतक है। अतः यह सिद्ध माना

जाता है कि प्रार्थिनी गुलाबबाई ने प्रतिपक्षी के यहां सेवा से हटाने से पूर्व पिछले पांच सालों से 240 दिन से अधिक समय तक संगतार कार्य किया है और उसे प्रतिपक्षी द्वारा जानबूझकर अधिनियम की अपेक्षित धाराओं का उल्लंघन कर सेवा में हटाया गया है जोकि अनुचित करार दिया जाने योग्य है और फलस्वरूप प्रार्थिनी पिछले सम्पूर्ण वेतन व सेवा की निरस्तरता सहित पुनः सेवाएँ किये जाने की अधिकारिणी घोषित किये जाने योग्य है।

6. उपरोक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, अम मंत्रालय, नई दिल्ली द्वारा सम्मेवित निर्देश को इस प्रकार

उन्नित किया जाता है कि जहूर अहमद, मार्क्झ औनर, राम गंजमडी प्रतिपक्षी नियोगक द्वारा प्रार्थिनी गुलाब बाई पुत्री चन्द्रा कुली को दि. 23-4-90 से सेवामुक्त करना उचित एवं वैध नहीं है, फलस्वरूप प्रार्थिनी पिछले सम्पूर्ण वेतन व सेवा ही निरन्तरता सहित पुनः सेवाएँ लिये जाने की अधिकारिणी घोषित की जाती है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर. के. आचाम, न्यायाधीश